MILITIA LAWS.

1874—1877.

THE

LAWS FOR THE GOVERNMENT

OF THE

MASSACHUSETTS MILITIA.

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AND APPENDIX.

PUBLISHED BY THE ADJUTANT-GENERAL.

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[Chapter 320, Acts of 1874.]

AN ACT CONCERNING THE MILITIA.

Be it enacted, &c., as follows:

SECT. 1. Every able-bodied male citizen, resident within this state, of the age of eighteen years, and under the age of forty-five years, excepting persons exempted by the following sections, idiots, lunatics, common drunkards, vagabonds, paupers, and persons convicted of any infamous crime, shall be enrolled in the militia. Persons so convicted after enrolment shall forthwith be disenrolled; and in all cases of doubt respecting the age of a person enrolled, the burden of proof shall be upon him.

SECT. 2. Assessors shall annually in May or June make a list of persons living within their respective limits liable to enrolment, and place a certified copy thereof in the hand of the clerks of their respective cities and towns, who shall place it on file with the records of such city or town, and annually in May, June, or July, transmit returns of the militia thus enrolled to the adjutant-general.

SECT. 3. Keepers of taverns or boarding-houses, and masters and mistresses of dwelling-houses, shall, upon application of the assessors within whose bounds their houses are situated, or of persons acting under them, give information of the names of persons residing in their houses liable to enrolment or to do military duty; and every such person shall, upon like application, give his name and age; and if such keeper, master, mistress, or person refuses to give such information, or gives false information, such keeper, master, or mistress shall forfeit and pay twenty dollars, and such person shall forfeit and pay twelve dollars, to be recovered on complaint of either of the assessors.

SECT. 4. The enrolled militia shall be subject to no active duty, except in case of war, invasion, the prevention of invasion, the suppression of riots, and to aid civil officers in the execution of the laws of the Commonwealth; in which cases the commander-in-chief shall order out for actual service, by draft or otherwise, as many of the militia as necessity demands.

SECT. 5. The order of the commander-in-chief may be directed to the mayor and aldermen of cities, or to the selectmen of towns,

who shall thereupon appoint a time and place of parade for the militia, in their city or town, and order them to appear at the time and place, either by leaving a written notice, or orally, and then and there proceed to draft as many thereof, or accept as many volunteers, as is required by the order of the commander-in-chief; and shall forthwith notify the commander-in-chief that they have performed such duty.

SECT. 6. Every soldier ordered out, or who volunteers or is detached or drafted, under the provisions of section thirteen of this act, who does not appear at the time and place designated by the mayor and aldermen, or selectmen, or who has not some able-bodied and proper substitute, at such time and place, or does not pay to such mayor and aldermen or selectmen, for the use of the Commonwealth, the sum of seventy-five dollars within twenty-four hours from such time, shall be taken to be a soldier absent without leave, and dealt with accordingly.

SECT. 7. When the militia are ordered out, or have volunteered for, and while they are in actual service, as specified in section four, they shall be organized by the commander-in-chief, with the advice of the council, into companies, battalions, regiments, brigades, and divisions, which shall be numbered, and record thereof made in the office of the adjutant-general; and shall be officered, governed, and trained according to the laws of this state and the United States; and the state shall furnish arms and equipments for each non-commissioned officer and private, and pay them until their term of service expires; and when troops are in the field for such purposes, the senior officer of the troops present shall command, until the commander-in-chief or some officer detailed by him takes command. Each commissioned officer shall provide himself with suitable side-arms.

SECT. 8. When the commander-in-chief deems it necessary, he shall require cities and towns to provide, in some suitable place therein, sixty-four pounds of powder, one hundred pounds of muskets and rifle balls, and also three copper, iron, or tin camp-kettles for every sixty-four soldiers enrolled in said town, and the same proportion for a greater or less number, and to keep the same until such requirement is revoked. Every place neglecting to comply with such requisition shall forfeit and pay not less than twenty nor more than five hundred dollars.

SECT. 9. In addition to the persons exempted from enrolment in the militia by the laws of the United States, the persons hereinafter mentioned shall also be absolutely exempted from enrolment; viz., justices and clerks of courts of record; registers of probate and insolvency; registers of deeds and sheriffs; officers who have held or may hold commissions in the regular or volunteer army or navy of the United States; officers who have held,

for a period of five years, commissions in the militia of this or any other state of the United States, or who have been superseded and discharged, or who held commissions in any corps at the time of its disbandment; staff officers heretofore exempted, and whose offices shall become vacant by the provisions of section forty-six; ministers of the gospel; practising physicians; the superintendents, officers, and assistants employed in or about either of the state hospitals, state almshouses, state prison, jails, or houses of correction; keepers of light-houses, telegraphic operators, and conductors and engine-drivers of railroad trains, and seamen actually employed on board of any vessel, or who have been so employed within three months next preceding the time of enrolment.

SECT. 10. Every person of either of the religious denominations of Quakers or Shakers, who on or before the first Tuesday in May, annually, produces to the assessors of the city or town in which he resides, a certificate, signed by two or more of the elders or overseers (as the case may be), and countersigned by the clerk of the society with which he meets for public religious worship, shall be exempted from enrolment. The certificate shall be in form as follows: —

We, the subscribers, of the society of the people called in the town of , in the county of , do hereby certify that is a member of our society, and that he frequently and usually attends religious worship with said society, and we believe he is conscientiously scrupulous of bearing arms.

A. B. { *elders or overseers*
C. D. { (as the case may be).

E. F., *Clerk*.

SECT. 11. Enginemen, or members of the fire department in a city or town, shall be exempted from military duty by forthwith filing with the assessors of the city or town in which they reside, a certificate that they are enginemen or members of the fire department as aforesaid, signed by the mayor and aldermen of such city, or the selectmen of such town; but when a member of a volunteer company is, after his enlistment, appointed an engineman or member of the fire department, it shall not vacate his enlistment.

SECT. 12. Every non-commissioned officer or private having bodily infirmity, may be exempted from military duty, if he obtains from the surgeon or assistant-surgeon of the regiment, battalion, or detached company to which he belongs (or, if if there are no such officers commissioned in such regiment, battalion, or company, then from some respectable physician living within the bounds of the same), a certificate that he is unable to do military duty, on account of bodily infirmity, the nature of which shall be described in such certificate; and the captain or commanding officer of his company may, on the back of the certificate, discharge

the non-commissioned officer or private named therein, from performing military duty, for a term of time which he judges reasonable, not exceeding one year; which certificate, when countersigned by the colonel or commanding officer of said regiment, battalion, or company, shall, for the time specified, exempt him from military duty, except attendance at the election of officers. If such non-commissioned officer or private, having obtained such certificate, is refused a discharge, he may apply to the commanding officer of the brigade, who may discharge him from military duty for such time, not exceeding one year, as he judges reasonable, by indorsing the same upon the surgeon's certificate.

All the preceding sections apply only to the enrolled militia.

SECT. 13. The active militia shall be composed of volunteers; and in case of war, invasion, the prevention of invasion, the suppression of riots, and to aid civil officers in the execution of the laws of the Commonwealth, shall first be ordered into service.

SECT. 14. The volunteer militia shall consist of one hundred companies of infantry, to be reduced as herein provided, six of cavalry, five of light artillery, and two corps of cadets, and shall be apportioned among the counties according to population. [*See sect.* 1, *chap.* 204, *Acts* 1876, *chaps.* 117 *and* 118, *Acts* 1877.] The volunteer companies, however, now organized, shall be retained: *provided*, that no county in the Commonwealth shall, by reason thereof, be deprived of the right and privilege of enlisting and organizing its proportion of the volunteer force under the provisions of this act. And the commander-in-chief shall have full power and authority at any time hereafter, to disband any company or companies now organized, whenever, in his judgment, it shall be necessary or expedient, in order to give to each county its just proportion of the organized militia.

The number of companies of infantry shall be reduced gradually to eighty by disbandment for any cause provided in this act, but no company shall be disbanded without such cause existing.

The maximum number of commissioned officers, non-commissioned officers, musicians, farriers, artificers, wagoners, and privates of said companies of light artillery, and the number and rank of the officers and non-commissioned officers of said companies of infantry, shall be the same as that now or hereafter established by the war department, or the congress of the United States, for the arms of the service to which such companies severally belong. [*See sect.* 2, *chap.* 229, *Acts* 1875.] The maximum number of commissioned officers, non-comissioned officers, musicians, and privates of said companies of infantry shall be sixty-four, and the minimum number forty-eight. The maximum number of officers, non-commissioned officers, and enlisted men in a company of cavalry shall be one hundred and three, and the minimum number eighty-four.

Petitions for organizing volunteer companies may be granted by the commander-in-chief. No new company, however, shall be organized, if thereby the whole force shall exceed five thousand officers and men. When a county does not raise its quota, the commander-in-chief may grant petitions to complete the prescribed number in other counties.

SECT. 15. Whenever a volunteer company is formed, the members thereof shall sign an enlistment roll issued from the office of the adjutant-general; but no election of officers shall be ordered in a company hereafter organized, unless at least fifty men have been enlisted therein. [*See sect.* 2, *chap.* 117, *Acts* 1877.] Upon the enlistment of that number, and notification given to the commander-in-chief by one or more petitioners for the company, attested by the mayor and aldermen or selectmen, an election of officers may be ordered; and if there is no officer of the volunteer militia conveniently located to preside at such election, the commander-in-chief may issue an order for that purpose to one or more of the selectmen or mayor and aldermen of the place where a majority of the petitioners reside; and after such election has taken place, the company shall be mustered into the service of the Commonwealth, upon said rolls, by any mustering officer, to be designated by the adjutant-general.

SECT. 16. Non-commissioned officers and privates shall enlist and be mustered in for a term of three years, and shall not be discharged during that time except as provided in section one hundred and forty-seven. Muster-in rolls shall be made in triplicate, one of which shall be retained at the headquarters of the regiment by the mustering officer, the original shall be forwarded to the adjutant-general's office within ten days from any muster of men, and one roll shall be retained by the company commander. At the expiration of his term of enlistment, each non-commissioned officer and soldier shall be mustered out or discharged upon rolls in such form as the commander-in-chief shall direct. [*See sect.* 6, *chap.* 117, *Acts* 1877.]

SECT. 17. No officer or soldier shall be liable to jury duty while in the active militia service.

SECT. 18. The militia, under the command-in-chief of the governor of the Commonwealth, shall be organized as follows: — The staff of the commander-in-chief shall consist of an adjutant-general, who shall be the chief of the staff, with the rank of major-general, and may be also the inspector-general of the militia; a quartermaster-general, surgeon-general, and judge-advocate-general, each with the rank of brigadier-general; and four aides-de-camp, each with the rank of colonel, and such additional officers of the general staff as the public service may require, with such rank as the commander-in-chief may designate; and if the good of the

service demands, the office of inspector-general may be separated from that of adjutant-general, but in such case the rank of the inspector-general shall be that of brigadier-general. [*See chap.* 204, *Acts* 1876.]

In times of peace the duties of quartermaster-general shall be performed by the adjutant-general.

The quartermaster-general shall also be chief of ordnance and commissary-general of subsistence.

To each division there shall be one major-general, whose staff shall consist of an assistant-adjutant-general, who shall also be chief of staff, with the rank of colonel; one assistant-inspector-general, with the rank of lieutenant-colonel, who shall be division mustering officer; one medical director, who shall be a surgeon, and shall have the rank of colonel; one assistant-quartermaster, with the rank of lieutenant-colonel; two aides-de-camp; one engineer of division, and one judge-advocate, who shall be a justice of the peace, each with the rank of major. [*See chap.* 204, *Acts* 1876.]

To each brigade there shall be one brigadier-general, whose staff shall consist of one assistant-adjutant-general, with the rank of lieutenant-colonel; a medical director of brigade, with rank of lieutenant-colonel; one assistant-inspector-general, who shall be brigadier mustering officer, with rank of major; one assistant-quartermaster, one aide-de-camp, one engineer of brigade, and one judge-advocate, who shall be a justice of the peace, and one provost-marshal, each with the rank of captain. [*See sect.* 4, *chap.* 229, *Acts* 1875; *sect.* 9, *chap.* 117, *Acts* 1877.]

To each regiment there shall be one colonel, one lieutenant-colonel, and one major; also one adjutant, one regimental quartermaster, and one regimental mustering officer, who shall be regimental paymaster, each with the rank of first lieutenant; one regimental surgeon, with the rank of major; one regimental chaplain, to be borne on the field and staff roll next after the surgeon; one regimental assistant-surgeon, with the rank of first lieutenant; one sergeant-major, one quartermaster-sergeant, one commissary-sergeant, one hospital steward, and one drum-major.

The governor shall, if the emergency exists for increasing the number of batteries of light artillery, organize them into a regiment on the basis of a regiment of artillery of the United States army.

To each separate battalion there shall be one major, also one adjutant, and one battalion quartermaster; and one battalion mustering officer who shall be battalion paymaster, each with the rank of first lieutenant; one surgeon with the rank of major; and to an artillery battalion, one assistant surgeon with the rank of first lieutenant; one sergeant-major, one quartermaster-sergeant, and one hospital-steward. The governor may commission a lieutenant-

colonel duly elected, in addition to the officers allowed to a separate battalion. [*See chap.* 229, *Acts* 1875, *sects.* 8 *and* 10: *chap.* 117, *Acts* 1877.]

Section twenty-three of chapter two of the General Statutes shall not apply to any officer to be appointed under the provisions of this act.

To every company there shall be one clerk, who shall be one of the enlisted men of such company, and shall hold his appointment during the pleasure of the company commander. To each corps of cadets there shall be one lieutenant-colonel, one major, one surgeon with rank of major, one mustering officer with the rank of captain, one adjutant, and one quartermaster, each with the rank of first lieutenant, one sergeant-major, one quartermaster-sergeant, one commissary-sergeant, one hospital steward, one drum major, and such number of line officers, not to exceed four captains, four first lieutenants, and four second lieutenants, and of non-commissioned officers, musicians, and privates, as the commander-in-chief shall deem expedient for instruction in the school of the battalion. These corps of cadets shall be instructed, armed, and equipped, and receive the same compensation and allowances as battalions of infantry. They may be attached to the same or separate divisions, or remain unattached, as the commander-in-chief shall direct. [*See sect.* 8, *chap.* 117, *Acts* 1877.]

Companies of cavalry and artillery when attached to brigades, as provided in the succeeding section, shall be entitled to an adjutant and one assistant-surgeon, each with the rank of first lieutenant, to be appointed by the commanding officers of said companies respectively, and commissioned by the commander-in-chief, and to hold their commissions as other staff officers now do, or until the companies to which they are attached are organized into battalions or regiments of the same arm; and an adjutant and assistant-surgeon so appointed and commissioned shall receive the same compensation as is allowed to other officers of such companies; such companies shall also be allowed a quartermaster-sergeant and a commissary-sergeant, who shall be paid as non-commissioned staff officers of regiments. [*See chap.* 229, *Acts* 1875, *and chap.* 117, *Acts* 1877.] Mustering officers of the militia shall in all cases be paymasters, and company commanders shall be the recruiting officers for their respective commands, unless otherwise directed by the commander-in-chief.

SECT. 19. The commander-in-chief may arrange the volunteer militia, when they exist in sufficient numbers and are conveniently located, into divisions, brigades, regiments, and battalions, conformably to the laws of the United States, and make such alterations as from time to time may be necessary. Each division, brigade, regiment, and battalion shall be numbered at the form-

ation thereof, and a record thereof made in the office of the adjutant-general. [*See chap.* 204, *Acts* 1876.]

Companies of cavalry and artillery inconveniently located for such organization may be attached to such brigades as the commander-in chief shall order.

Companies or corps of cadets attached to divisions or brigades, and not to regiments, shall, until otherwise organized, be subject to the immediate orders of the commanders of such divisions or brigades, who shall receive the returns and orders, have the authority and perform the duties, with regard to such companies or corps of cadets, which are prescribed for the commanders of regiments and battalions, with regard to their organizations.

SECT. 20. The officers of the line of the militia shall be elected as follows: Major-generals, by the senate and house of representatives, each having a negative upon the other. Brigadier-generals, by the written votes of the field officers of the respective brigades. Field officers of regiments and battalions by the written votes of the captains and subalterns of the companies of the respective regiments or battalions; captains and subalterns of companies, by the written votes of the non-commissioned officers and privates of the respective companies. [*See sect.* 5, *chap.* 204, *Acts* 1876, *and sect.* 2, *chap.* 117, *Acts* 1877.] But no officer under major-generals, so elected, shall be commissioned for a period beyond sixty days till he shall be approved by an examining board as provided in the following section. And any regimental commander, with the approval of the brigade commander, may direct any officer under him already in commission, or the commander-in-chief may order any officer below the rank of major-general, to appear before said board; and if such officer cannot pass said board, his commission shall be considered as vacated on the filing of the proper certificate of said board with the adjutant-general, and such officer shall forthwith be discharged. If any officer fails to appear before the examining board within the time specified by law, such officer shall be discharged, to date at the expiration of such specified time.

The board of examiners shall be provided by the adjutant-general with a list of commissions issued from time to time, and such board shall notify the adjutant-general of the non-appearance of officers before it. The report of the board of examiners in each case shall be made to the adjutant-general within the time for which the officer examined was commissioned.

Officers failing to pass the board of examiners shall be discharged upon the receipt, by the adjutant-general, of the report of the board stating that such officers have failed to pass the same.

SECT. 21. All officers elected as provided in the preceding section shall at once, upon being notified thereof as provided in

section thirty-two, appear before an examining board, to consist of the judge-advocate-general and two persons well qualified as to military matters, to be designated by the commander-in-chief. The board shall examine the candidate for a full commission as to his military an dgeneral qualifications; and if in their opinion he is duly qualified, the fact shall be properly certified, and he be entitled to a full commission, which shall be issued forthwith by his excellency the governor.

SECT. 22. The staff officers of the militia shall be appointed in manner following: The staff of the commander-in-chief by the commander-in-chief; the staff of a major-general commanding a division, by the major-general; the staff of a brigade commander by the brigadier-general commanding the brigade; the regimental staff by the colonel of the regiment; the battalion staff and the staff officers of the cadet corps and unattached companies, by their respective commanding officers. No surgeon or assistant-surgeon shall be commissioned until he shall have furnished satisfactory evidence to the commander-in-chief that he is competent to perform the duties of his office.

SECT. 23. Non-commissioned staff officers of regiments, battalions, cadet corps, and unattached companies, shall be appointed by their respective commanders; and the commanders of regiments and battalions, upon recommendation in writing of company commanders, shall appoint the non-commissioned officers of such companies, but may withhold such appointment for proper cause. Non-commissioned officers of unattached companies and corps of cadets shall be appointed by their respective commanding officers. [*See sect.* 9, *chap.* 117, *Acts* 1877.] Clerks shall be appointed by the commanding officers of their respective companies, and shall be furnished with a warrant of such appointment, signed by his company commander, in such form as the adjutant-general shall prescribe.

Every non-commissioned officer shall be furnished with a certificate or warrant of his rank signed by the commanding officer of his regiment, battalion, unattached company, or cadet corps, and countersigned by the adjutant. In case of vacancy, and till a decision can be had from regimental or battalion commanders, the company commanders may make temporary appointments of non-commissioned officers. Clerks shall have their appointments certified on the back of their warrants by the commanding officers of their respective companies.

In case no one will accept the office of clerk of a company, the commanding officer of the company may detail a member to act as such, but not for a period exceeding three months. In such cases the records shall be under the direct supervision of the commander.

SECT. 24. Commissioned officers shall take rank according to the date of their commissions. When two of the same grade bear an even date, the rank shall be determined by lot drawn before the commander of the division, brigade, regiment, battalion, company, or detachment. The day of the appointment or election of an officer shall be expressed in his commission, and considered as the date thereof.

SECT. 25. When the office of major-general, brigadier-general, colonel, lieutenant-colonel, major, or captain is vacant, or such officer is sick or absent, the officer next in rank shall command the division, brigade, regiment, battalion, or company, until the vacancy is supplied.

SECT. 26. When a company is first enrolled, and an election of officers is ordered, if such company neglects or refuses to elect any officer, or the persons elected shall not accept or be commissioned, or if from any cause the company be without officers, the commander of the regiment or battalion to which it belongs shall detail some officer of the staff or line of the regiment to train and discipline said company until some officer is elected or appointed by the commander-in-chief. Such officer shall have the same power, and be subject to the same liabilities, as if he were captain of said company; shall keep the records of the company, and prosecute for all fines and forfeitures, in like manner as a company commander might do; and all meetings of such company shall be notified as provided in section ninety-one.

SECT. 27. Major-generals shall be notified of their election by the secretary of the Commonwealth, and unless within thirty days after such notice they signify to the secretary their acceptance of office, shall be taken to have refused the same.

SECT. 28. Major-generals of divisions shall order elections to fill all vacancies which occur in their respective divisions, in the office of brigadier-general, field officer, captain, or subaltern. Such elections shall be held at the place most convenient for the majority of the electors, and shall be ordered throughout each division at least once in each year; the elections of company officers first, and those of field officers next.

SECT. 29. Electors shall be notified of elections at least four days previously thereto. A non-commissioned officer or private unnecessarily absent from company election, shall forfeit one dollar, to be recovered on complaint of the company commander, and he shall also be liable to punishment for neglect of duty.

SECT. 30. Officers ordering elections may preside, or detail some officer of suitable rank to preside, and in case no officer of sufficient rank resides within the county where such election is to be held, the chairman of the selectmen of the town in which such company is organized may preside at such election.

SECT. 31. A captain, or staff officer of the rank of captain, may preside at the election of an officer of equal or inferior grade within the limits of his regiment or battalion; but no candidate for the vacancy shall preside at the election, except to adjourn the meeting if no proper officer appears to preside.

At all elections such presiding officer shall keep a record of the proceedings, and make return thereof to the commanding officer of the battalion, regiment, brigade, or division, as may be proper. If the company is unattached, such return shall be made to the adjutant-general.

SECT. 32. The person who has a majority of the written votes of the electors present at a meeting duly notified, shall be deemed elected, and the presiding officer shall forthwith notify him of his election, and make return thereof, or of neglect or refusal to elect, to the commander of the division. The officer presiding at any election shall notify the person elected, to appear forthwith before the board of examiners as provided in section twenty-one. Every person so elected and notified shall accept, if a brigadier-general or field officer, within ten days, or if a company officer, within three days; otherwise he shall be taken to have refused. If before the meeting for the election of any officer is dissolved, the person chosen signifies to the presiding officer his refusal to accept, the same shall be recorded and make part of the return, and the electors shall proceed to another election. Elections may be adjourned, not exceeding twice, and each adjournment for a period not exceeding two days ; but no election shall be legal unless it is notified in the manner prescribed in section twenty-nine, or at any adjournment of a meeting so notified, not exceeding four days.

The roster of the brigade, regiment or battalion, or the roll of the company, as the case may be, shall be produced at such elections, by the person having the legal custody thereof.

SECT. 33. The presiding officer at any election shall make a certified return of such election, within three days thereafter, to the adjutant-general, for the information of the commander-in-chief.

SECT. 34. When the electors neglect or refuse to elect to fill a vacancy, the commander-in-chief shall appoint a suitable person. The commanding officer of the division shall return all elections, and refusals or neglect to elect, to the commander-in-chief, and unless he is notified by the commander-in-chief of his intention to make an appointment, he may, if necessary, order a new election.

SECT. 35. If a company is without commissioned officers, and, having been twice ordered to fill vacancies, neglects or refuses to fill them, such company shall be forthwith disbanded by the commander-in-chief.

SECT. 36. When an officer holding a military commission is elected or appointed to another office in the militia, and accepts the same, such acceptance shall constitute a part of the return of the presiding officer, and shall vacate the office previously held; but such officer may continue to serve until his successor is qualified in his stead.

SECT. 37. Commissions and discharges shall be transmitted to the commanding officers of divisions, and by them, through the proper officers, to the officers elected or discharged. Or if the commander-in-chief shall so order, such commissions and discharges may be transmitted direct to the commanding officers of regiments and battalions, corps of cadets, and unattached companies, and by them to the person elected or discharged; in all cases, intermediate commanders to be notified of such direct transmission.

SECT. 38. When a person elected or appointed to an office refuses to accept his commission or qualify at the time of acceptance, the major-general shall certify the fact on the back thereof, and return it to the adjutant-general; and if the office is elective a new election shall be ordered.

SECT. 39. No officer or soldier shall be arrested on civil process while going to, remaining at, or returning from a place where he is ordered to attend for election of officers or military duty.

SECT. 40. Every commissioned officer, before he enters on the duties of his office or exercises any command, shall take and subscribe before a justice of the peace, or general or field officer who has previously taken and subscribed them himself, the following oaths and declarations: —

"I, A B, do solemnly swear that I will bear true faith and allegiance to the Commonwealth of Massachusetts, and will support the constitution thereof. So help me, God."

"I, A B, do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as , according to the best of my abilities and understanding, agreeably to the rules and regulations of the constitution, and the laws of the Commonwealth. So help me, God."

"I, A B, do solemnly swear that I will support the constitution of the United States. So help me, God."

And on the back of every commission the following certificate shall be printed and signed by the person before whom such officer is qualified: —

"This may certify that A B, commissioned as within on this day of , A. D. , personally appeared and took and subscribed the oaths required by the constitution and laws of this Commonwealth and a law of the United States, to qualify him to discharge the duties of his office.

Before me, ."

SECT. 41. Every clerk of a company, before he enters upon his duties, shall take the following oath before the commanding officer of the company to which he belongs, viz.: —

I, A B, do solemnly swear that I will faithfully and impartially perform all the duties incumbent on me, as clerk of the company to which I belong, according to the best of my abilities and understanding. So help me, God."

The commander of such company shall, at the time of administering the oath, certify on the back of the warrant of the person appointed to be clerk that he was duly qualified by taking the oath required by law.

SECT. 42. When an officer requests in writing his discharge from office, with the approval of the commanders of the regiment or battalion, brigade and division, to which he belongs, the commander-in-chief may discharge him. If such officer belong to an unattached company, he may be discharged in the same manner with the approval of the adjutant-general; if to an unattached corps of cadets, by the approval of the commanding officer of the same.

SECT. 43. No commanding officer shall approve a resignation under the preceding section, unless the reasons for such resignation are urgent, and proved to his satisfaction; and the rolls, orderly-book, roster documents, and all other military property belonging to the Commonwealth in the custody of the officer resigning, shall, before his discharge is delivered to him, be deposited with the officer having a right to the custody of the same.

If an officer unreasonably refuses to approve an application for discharge, and it is so made to appear to the commanders above him, they may approve the same, and the commander-in-chief may discharge the applicant.

SECT. 44. No officer, other than a staff officer appointed by the commander-in-chief, shall be discharged by the commander-in-chief, unless upon his own request, except as follows: When it appears to the commander-in-chief that he has become unable or unfit to discharge the duties of his office, or to exercise proper authority over his inferior officers and soldiers, or that he has been convicted of an infamous crime; when the commander of his brigade certifies that he has, either before or after receiving his commission, removed his residence out of the bounds of his command to so great a distance that, in the opinion of such commanding officer, it is inconvenient to exercise his command; when such commander certifies that he has been absent from his command more than one year without leave; upon address of both houses of the legislature to the governor; upon sentence of competent military tribunal, after trial according to law; when the corps to which

he belongs is disbanded or mustered out; or when it shall appear that such officer has heretofore been dishonorably discharged from the service of the United States or the militia of this Commonwealth, or fails to pass a successful examination before the board provided for in section twenty-one, in which cases he may be so discharged; and all staff officers may be discharged upon the request in writing of their commanding officers, by the commander-in-chief. Every officer, except when under arrest, shall perform the duties of his office until he is discharged, and all officers discharged from the service of the state shall be entitled to receive a certificate of such discharge, in such form as the commander-in-chief shall direct.

SECT. 45. When an officer accepts an appointment in the army or navy of the United States, his office shall thereby become vacant; and if, after accepting such appointment, he exercises any of the powers and authority of such office, he shall forfeit not exceeding three hundred dollars.

SECT. 46. The commissions of staff officers appointed by any other officer than the commander-in-chief shall expire as soon as the successor of such appointing officer is commissioned. Staff officers appointed by the commander-in-chief shall hold their offices for one year and until their successors are appointed and qualified; but may be removed at any time by the commander-in-chief.

When a staff officer is continued in his office by a new appointing officer, he shall take rank according to the date of his original commission.

SECT. 47. Officers under arrest shall not resign, but shall be suspended from exercising the duties of office.

SECT. 48. A non-commissioned officer or clerk of a company may resign his office to the commanding officer of his company, who may accept such resignation; non-commissioned officers of companies may be reduced to the ranks by order of the commander of the regiment or battalion, on application of the company commander. A company commander accepting the resignation of a non-commissioned officer shall at once notify the commander of his regiment or battalion of the acceptance of such resignation. Non-commissioned officers of cadet corps may be reduced to the ranks, for proper cause, by the commanding officer of such cadet corps.

SECT. 49. The commander of a regiment, battalion, cadet corps, or unattached company, may raise by voluntary enlistment, and warrant and organize, to be under his direction and command at encampments, or at any parade ordered by the commander-in-chief, a band of musicians, not to exceed eighteen, inclusive of a master and deputy-master. The master, and in his absence the deputy-master, shall teach and command the band and issue all

orders directed by such commander. Each member of the band shall keep himself provided with such uniform as may be directed by the commander-in-chief, and such instrument as the commander of his regiment, battalion, cadet corps, or unattached company prescribes, under penalty for each neglect, or deficiency, or for misconduct, of dismissal from the band by such commander, and of not less than ten nor more than twenty dollars, to be recovered on complaint by the adjutant or company commander. Members of bands need not be mustered in as provided for enlisted men, unless by special orders of the commander-in-chief. [*See sect.* 12, *chap.* 204, *Acts* 1876, *and sect.* 7, *chap.* 117, *Acts* 1877.]

SECT. 50. The adjutant-general shall distribute all orders from the commander-in-chief; attend all public reviews when the commander-in-chief shall review the militia, or any part thereof; obey all orders from him relative to carrying into execution and perfecting the system of military discipline established by the laws of the state and of the United States; furnish blank forms of the different returns and rolls as may be required, and explain the principles on which they should be made; prescribe forms of oath for muster-in of men; distribute all books required to be furnished at the public expense; receive from the several officers of the different corps throughout the state returns of the militia under their command, reporting the actual condition of their uniforms, arms, accoutrements, and ammunition, their delinquencies, and every other thing which relates to the general advancement of good order and discipline, all of which the several officers of the divisions, brigades, and regiments are hereby required to make in the usual manner, so that the adjutant-general may be furnished therewith; and from all said returns he shall make proper abstracts, and lay the same annually before the commander-in-chief; and he shall annually, on or before the first Monday in January, make a return in duplicate of the militia of the state, with the condition of their uniforms, arms, accoutrements and ammunition, according to such directions as he may receive from the secretary of war of the United States, one copy of which he shall deliver to the commander-in-chief, and the other of which he shall transmit to the President of the United States.

SECT. 51. The quartermaster-general, under the direction and supervision of the commander-in-chief, shall purchase and issue all ordnance stores, artillery, arms and accoutrements, clothing, camp equipage, and military stores generally, except such as are expressly directed by law to be purchased by other officers. He shall, under the orders of the commander-in-chief, procure and provide means of transport for the militia, and for all its implements, munitions of war, and military supplies, and shall be the keeper of the public magazines and of all military property of the Commonwealth, ex-

cepting such as is by law expressly intrusted to the keeping of other officers. He shall give bond to the state in the penal sum of twenty thousand dollars, with two sureties at least, to be approved by the governor and council, conditioned faithfully to discharge the duties of his office; to use all necessary diligence and care in the safe-keeping of military stores and property of the Commonwealth committed to his custody; to account for the same, and deliver over to his successor, or to any other person authorized to receive the same, such stores and property. And any other officer to whom any arms, equipments, stores, or other property of the Commonwealth, shall at any time be issued, may be required to give a bond to the satisfaction of the governor and council, with the like condition.

Sect. 52. The surgeon-general, under the direction and supervision of the commander-in-chief, shall purchase and issue all medical, surgical, and hospital supplies, and perform all such other duties appertaining to his office as the commander-in-chief shall from time to time direct.

Surgeons of brigades, regiments, battalions, or other organizations shall, after each tour of duty, and within ten days thereof, report to the surgeon-general, through proper channels, of all that pertains to their office which relates to such duty.

Sect. 53. The adjutant-general, quartermaster-general, and surgeon-general shall account as often as may be required by the commander-in-chief, and at least once yearly, to the commander-in-chief, in such manner as he shall prescribe, for all property which shall have passed through their hands, or the hands of the subordinate officers of their respective departments, or that shall be in their care or possession, and for all moneys which they shall expend in discharging their respective duties; and they shall annually, in January, lay before the auditor accounts with vouchers of their expenditures during the previous year.

Sect. 54. Neither the adjutant-general, quartermaster-general, nor surgeon-general, nor any assistant of either of them, nor any subordinate officers of their departments, shall be concerned, directly or indirectly, in the purchase or sale of any article intended for, making a part of, or appertaining to, their respective departments, except for and on account of the Commonwealth, nor shall they or either of them take or supply to his or their own use any gain or emolument, for negotiating or transacting any business in their respective departments, other than what is or may be allowed by law.

Sect. 55. When the service will permit, the commander-in-chief may require the duties imposed upon the quartermaster-general by this act to be performed by any member of his staff, who shall in that case give a bond to the state in like manner as is required of the quartermaster-general.

The inspector-general, or some assistant inspector-general detailed by the commander-in-chief, shall twice in each year, and oftener if deemed necessary, carefully inspect all the state property in the possession of the militia. [*See sects.* 7 *and* 8, *chap.* 204, *Acts* 1876.]

SECT. 56. All commissioned officers shall provide themselves with such uniforms and arms complete as the commander-in-chief shall prescribe, subject to such restrictions, limitations, and alterations as he may order.

Every officer shall hold his uniform, arms, and accoutrements, required by law, free from all suits, distresses, executions, or sales, for debt or payment of taxes.

SECT. 57. Every company of calvary, artillery, infantry, and corps of cadets, duly organized under the militia laws of the Commonwealth, shall be furnished, at the expense of the Commonwealth, with such uniforms, arms, and equipments as are required for the performance of military duty in the manner prescribed by the provisions of this act, upon the written requisition of the commanding officer of such companies respectively, approved by the regimental or battalion commander; and in all cases unattached companies, or corps of cadets, by the commander of the division or brigade to which said companies or corps are attached. The non-commissioned staff officers shall, in like manner, be supplied upon requisition of their respective commanding officers. [*See sect.* 11, *chap.* 204, *Acts* 1876; *sect.* 3, *chap.* 117, *Acts* 1877.]

SECT. 58. Whenever a majority of the commissioned field, staff, and line officers of a regiment, battalion, or the majority of the commissioned officers of a cadet corps, or unattached company, at a meeting called for that purpose, shall prescribe a uniform for their commands, and make return of their doings in writing to the adjutant-general, and the same shall have been approved by the commander-in-chief, it shall become and remain the established uniform of the regiment, battalion, cadet corps, or company. Upon the approval of such prescribed uniform by the commander-in-chief, a board, to consist of one member of the executive council, to be designated by the governor, the quartermaster-general, and the commanding officer of the regiment, battalion, cadet corps, or unattached company for which such uniforms are to be provided, shall be authorized to make contracts for the furnishing of such uniforms, in a sum not to exceed forty dollars for each and every uniform; the contracts to be subject to the approval of the governor and council. The accounts for the payment of such uniforms shall bear the approval of at least a majority of the board, and shall be presented to the auditor by the quartermaster-general, for allowance, in the usual manner of accounts against the state. [*See sect.* 11, *chap.* 204, *Acts* 1876; *sect.* 3, *chap.* 117, *Acts* 1877.]

The quartermaster-general, under the direction of the commander-in-chief, is authorized to issue to the enlisted men of the militia, great coats of regulation pattern. He may also allow proper accounts, annually, for the repairs of uniforms and equipments. The assistant inspector-general and assistant quartermaster of divisions, for commands attached only to such divisions, and the assistant inspector-general and assistant quartermaster of brigades for regiments, battalions, and companies attached to such brigades, shall constitute boards for inspecting and condemning, from time to time, the public property which may become unfit for service in their several commands. [*See sect.* 15, *chap.* 204, *Acts* 1876.] The commander-in-chief shall order the inspection of public property, with a view to its condemnation by such boards, and the report of such boards shall be subject to the approval of the respective division and brigade commanders, and the commander-in-chief.

All such condemned public property may be sold by the quartermaster-general under the direction of the governor and council, and the proceeds paid into the treasury of the Commonwealth, or applied to the purchase of other public property for the use of the militia, as the governor and council may direct. [*See chap.* 161, *Acts* 1877.] The inspector-general, and any other officer designated by the commander-in-chief, shall inspect and condemn the public property which has or may become unfit for use in all commands unattached to divisions, brigades, regiments, or battalions.

A cap or hat, coat with epaulets or shoulder-knots, and a pair of pantaloons, shall constitute the uniform within the meaning of this section.

Sect. 59. No new uniforms or equipments shall be issued hereafter to any company, except new organizations or to recruits, till those in use are condemned, as provided in the preceding section.

Sect. 60. The uniforms, arms, and equipments so furnished shall remain and continue to be the property of the Commonwealth, to be used for military purposes only; and such as shall not have been properly expended in such use shall be returned, when called for by proper authority; or if the same is wilfully or negligently wasted or destroyed by an officer or company, the commander-in-chief may, upon satisfactory evidence to that effect, dishonorably discharge the officer and disband the company. The members of any command may add such sums as they see fit to the amount allowed by law for the purchase of uniforms, but the payment of such sums shall in no way affect the right and title of the state to such uniforms.

Sect. 61. Any militia company which has been uniformed under the provisions of chapter three hundred and thirty-two of the acts of the year one thousand eight hundred and sixty-nine, or which may be uniformed under this act, and which shall here-

after be disbanded, shall turn its uniforms over to the quartermaster of the regiment or battalion to which the disbanded company is attached; such uniforms to be held by the quartermaster, subject to the direction of the quartermaster-general for the use of any company which may be organized to take the place of the disbanded company, or for the supply of recruits to any companies in the service of the state; and in all cases of disbandment of unattached companies, or corps of cadets, their uniforms shall be turned over to the quartermaster-general, to be subject to his direction as herein indicated.

Regiments, battalions, cadet corps, or companies, may, however, adopt any other uniform than that prescribed in section fifty-eight, if they see fit, but at their own expense; such uniforms shall be approved by a majority of the commissioned officers of such organizations and by the commander-in-chief, but such uniforms shall not be worn by troops on duty, by order of the commander-in-chief, or at any other time except by his permission.

SECT. 62. Every commanding officer of a company, upon making a requisition upon the quartermaster-general or other officer charged with the custody of the military property of the Commonwealth, for the uniforms, arms, and equipments required for the use of his company, shall furnish to the officer upon whom the requisition is made a schedule of the articles of military property required, and no such uniforms, arms, or equipments shall be issued to, or for the use of, any company, unless the said company shall have at least forty-eight officers, non-commissioned officers, and privates actually belonging thereto, and duly enrolled and mustered for the performance of active duty. [*See sect.* 3, *chap.* 117, *Acts* 1877.]

SECT. 63. Upon delivery of uniforms, arms, and equipments, the officer receiving the same shall receipt therefor in duplicate, in manner following, to wit: —

"I, A B (rank), of company , of the regiment, brigade, division (or unattached company, as the case may be), of the militia of Massachusetts, do hereby acknowledge that I have received of C D (adjutant-general, quartermaster-general, or ordnance officer, as the case may be), the several articles of military property set forth in the schedule hereto annexed, to be used by said company for the performance of military duty in conformity with the laws of this Commonwealth, and for no other purpose."

SECT. 64. All arms, equipments, and military property of every description, which shall be furnished to the several commands under the provisions of this act, shall be deposited in the armories or headquarters of said commands respectively, for safe-keeping, and be used only for the performance of military duty according to law.

SECT. 65. It shall be the duty of every officer, non-commissioned officer, and soldier, to return to the armory or other place of deposit each article of military property of the Commonwealth issued to and received by him for use in the military service, and not properly expended, within three days after such tour of duty, or forthwith upon order of his commanding officer. And the possession of any article of such property by the person to whom it was issued, not being in the armory or designated place of deposit, shall be deemed and taken to be *prima facie* evidence of embezzlement of such article of property by the person to whom it was issued; and he shall be liable to be punished therefor upon conviction, or judged as provided in section one hundred and sixty-two.

SECT. 66. Every officer, non-commissioned officer, and soldier, to whom a uniform or other article of military property shall be delivered in pursuance of the provisions of this act, shall be held personally responsible for its care, safe-keeping, and return; he shall use the same for military parades only, and upon receiving a discharge, or otherwise leaving the military service, or upon the written demand of his commanding officer, shall forthwith surrender and deliver up the said uniform, together with all other articles of military property that may be in his possession, to the said commanding officer, in as good order and condition as the same were at the time he received the same, reasonable use and ordinary wear thereof excepted.

SECT. 67. Whoever shall wilfully or maliciously destroy, injure, or deface any uniform or other article of military property belonging to the Commonwealth, or shall retain any property in violation of the provisions of the preceding section, shall be punished by a fine not exceeding double the amount of the value of such uniform or other property so injured, destroyed, defaced, or retained, to be recovered on complaint of the commander of the company to which such delinquent belongs, as provided in section one hundred and sixty-two; and he shall be imprisoned in the house of correction until such fine is paid, or until he shall be discharged therefrom by process of law.

SECT. 68. Whoever uses or wears, except upon public parades or by special permission of his commanding officer, any uniform or other article of military property, belonging to the Commonwealth, shall be punished by a fine not exceeding twenty dollars for every such offence, to be recovered in manner referred to in the preceding section.

SECT. 69. Any officer receiving public property for military use, shall be accountable for the articles so received by him, and shall not be honorably discharged from the service until he has returned to the adjutant-general a receipt from his successor in command, or a proper accounting officer, for the articles issued to him, in good

order and condition, reasonable use and wear thereof excepted, or shown to the adjutant-general by satisfactory proof, that any article not so accounted has been properly expended in the service, or defaced, injured, lost, or destroyed, without any default or neglect on his part; and if lost or wilfully defaced or destroyed through the misconduct of any person, that reasonable efforts have been made by him to recover or prosecute for the same. And in addition he shall be liable to make good to the Commonwealth all such property so defaced, injured, destroyed, or lost by any neglect or default on his part, and for the recovery of which he has made no reasonable effort, to be recovered in an action of tort, to be instituted by the judge-advocate of his division, or the judge-advocate-general, as the case may be, by order of the adjutant-general, in the name of the Commonwealth.

Sect. 70. Whenever any corps or detachment of the militia is ordered to perform any duty requiring the use thereof, the quartermaster-general shall deliver to the commanding officer of such corps or detachment, upon his requisition, duly approved, such tents, fixtures, and other camp equipage, and such ammunition as may be necessary for the discharge of such duty; and each officer to whom such property is delivered shall be responsible for the safe-keeping of the same, which shall not have been properly expended, and return said property to the quartermaster-general, when the duty shall have been performed for which the same was issued, together with a correct list of the same; and it shall be the duty of every officer having property delivered to him on his requisition, on receiving the same, on the first day of December, annually, to make to the chief of the department from which such property shall have been issued, a full return of all property so received by him, and for which he is by law accountable. [*See sect.* 9, *chap.* 204, *Acts* 1876.]

Sect. 71. Each regiment, battalion, corps of cadets, or unattached company shall be furnished by the state with the national and state colors, their staffs, belts, and sockets, and the commander of such regiment, battalion, cadet corps, or unattached company shall be responsible for their safe-keeping.

Sect. 72. Each company of militia shall be furnished with such instruments of music as the commander-in-chief shall order.

Sect. 73. Each commander of a brigade may make requisitions upon the quartermaster-general, or officer acting as such, in favor of the commanders of regiments, battalions, and companies for colors and instruments of music. Commanders of companies shall be responsible for the safe-keeping of the instruments delivered to them for the use of their companies.

Sect. 74. Each company or cadet corps of the volunteer militia, on application of the commander thereof to the adjutant-general,

and producing satisfactory evidence that a suitable armory or place of deposit is provided therefor, agreeably to section eighty-three, shall be furnished with such appropriate arms and equipments as shall be determined by the commander-in-chief. [*See sect.* 3, *chap.* 117, *Acts* 1877.]

SECT. 75. It shall be the duty of the commissioned officers of every regiment, battalion, cadet corps, or company of the volunteer militia, respectively, to exercise the strictest care and vigilance for the preservation of the uniforms, arms, equipments, and military property furnished to their several commands under the provisions of this act; and in case of any loss thereof or damage thereto, by reason of the wilful neglect or default of such officers, or either of them, to exercise such care and vigilance, he or they shall be held to make compensation therefor, to be recovered by an action of contract brought by the quartermaster-general against all or any of such officers; which action it shall be the duty of the judge-advocate-general, at the request of the quartermaster-general, to bring.

SECT. 76. In case of the discharge or death of an officer, he or his legal representative shall be relieved from responsibility for the safe-keeping, preservation, and return of the military property furnished to and in the possession of such officer by provisions of law, upon complying with the provisions of law relating to the accounting for public military property.

SECT. 77. Upon the disbandment of a volunteer regiment, battalion, cadet corps, or company, which has received uniforms, arms, equipments, or equipage from the quartermaster-general, in accordance with the provisions of this act, the commissioned officers of such regiment, battalion, cadet corps, or company shall be responsible for the safe return to the custody of the quartermaster-general of all public property in possession of said regiment, battalion, cadet corps, or company; and for any loss or damage thereto compensation may be obtained in manner provided in section seventy-five.

SECT. 78. Each company of artillery shall be provided by the quartermaster-general with the battery of manœuvre prescribed for that arm by the war department of the United States; with caissons, harness, implements, laboratory and ordnance stores, which may, from time to time, be necessary for their complete equipment for the field; and, when target-practice is expedient in the opinion of the commander-in-chief, such quantity of ammunition annually as he deems necessary to be expended in experimental gunnery. The commissioned officers of each company shall be held accountable for the preservation of the pieces, apparatus, and ammunition aforesaid, and for the proper expenditure of the ammunition. [*See sect* 2, *chap.* 229, *Acts* 1875.]

SECT. 79. The commanding officer of such company, when it is

ordered to march out of the city or town where the gun-house is situated, and on occasions of parade for experimental gunnery or camp duty, shall provide horses to draw the field-pieces and caissons, and present his account of the expense thereof, as provided in section one hundred and thirty-six. On all other occasions when ordered out by an officer of competent authority for camp or salute duty, the charges for horses, powder, and necessary expenses, shall be defrayed by the quartermaster-general.

SECT. 80. The commissioned and non-commissioned officers of the volunteer militia shall be furnished with such books of instruction in tactics and army regulations as the commander-in-chief shall deem expedient; which books shall continue to be the property of the Commonwealth, and shall be carefully kept and delivered by such commissioned and non-commissioned officers to their successors.

SECT. 81. The commander-in-chief, with the advice and consent of the council, may sell or exchange, from time to time, such military stores belonging to the quartermaster-general's department as are found unserviceable or in a state of decay, or which they think it for the interest of the state to sell or exchange. [*See sect.* 15, *chap.* 204, *Acts* 1876, *and chap.* 161, *Acts* 1877.]

SECT. 82. The committee of the legislature on the militia shall annually visit the arsenal or state camp-ground and storehouses, and make a thorough examination into the condition of the same, of the arms and munitions of war and other property of the state or general government deposited there, and report the condition of the arsenal and property to the legislature for that year.

SECT. 83. The mayor and aldermen and selectmen shall provide for each company and cadet corps of the volunteer militia within the limits of their respective cities or towns a suitable armory, for the deposit and safe-keeping of the arms, equipments, uniforms, and other military property furnished it by the state, and for the purposes of drill, and shall also provide suitable places for the parade, target practice, and company drill of the militia belonging to their respective cities and towns. They shall also provide for the headquarters, located within their limits, of each division, brigade, regiment, or battalion, a suitable room for the keeping of books, the transaction of business, and the instruction of officers. Cities and towns in which companies of militia, cadet corps, or headquarters of divisions, brigades, regiments, or battalions are located, are hereby authorized to raise money by taxation or otherwise, for the purpose of erecting suitable buildings for the armories of such companies, corps of cadets, or the headquarters of such divisions, brigades, regiments, or battalions. When a company is formed from different places, the location of such armory shall be determined by a majority of its members, subject to the approval of the

adjutant-general. Armories provided for the militia shall not be used for any purpose whatever other than the legitimate uses of the companies occupying them; and the commander of any company who shall allow the armory of his company to be let for other than the use of his company, unless by approval of the commander-in-chief, shall be liable to a fine of two hundred dollars, to be recovered, on complaint, by the adjutant-general.

SECT. 84. The mayor and aldermen of cities and selectmen of towns shall annually, in October or November, transmit to the office of the adjutant-general a certificate, verified by the oath or affirmation of at least two of their board, showing the name of each company furnished with an armory, and of each division, brigade, regiment, battalion, or cadet corps furnished with headquarters, the amount paid for the rent thereof, and that the rent charged therefor is fair and reasonable, according to the value of real estate in their place.

SECT. 85. The adjutant-general shall annually examine all certificates so returned to his office, institute any inquiries he deems expedient relative thereto, and allow them in whole or in part, to an amount not exceeding six hundred dollars for one corps of cadets, company of infantry, artillery, or cavalry, and not exceeding three hundred dollars for each division, brigade, regimental, or battalion headquarters. [*See chap.* 171, *Acts* 1877.] He shall, within ten days after such examination, file in the office of the auditor his certificate, stating the sums allowed, the name of the command for whose use each sum is allowed, and the place to which it belongs; and shall thereupon notify the mayor, aldermen, or selectmen of the sum allowed to their place, which sum shall be paid upon the warrant of the governor to such mayor and aldermen or selectmen.

SECT. 86. A city or town receiving from the treasury of the Commonwealth, by reason of a false return or certificate, under section eighty-four, any money to which such place is not entitled, shall forfeit a sum not exceeding four times the amount of money so received.

SECT. 87. The commander-in-chief may at any time detail an officer to examine any armory, and report the condition thereof, and of the arms, equipments and equipage therein deposited.

SECT. 88. Orders from the commander-in-chief shall be distributed by the adjutant-general; division orders and brigade orders by their respective assistant adjutants-general; regimental and battalion orders by the adjutant; company orders by the clerk, or by any non-commissioned officer or private, when so required by the commanding officer. General, division, brigade, regimental, and battalion orders may, in cases of emergency, be transmitted by telegraph; and all such orders so transmitted

shall be deemed to have been legally transmitted within the meaning of this act. When any such order shall be transmitted by telegraph, a copy thereof shall be immediately forwarded by mail.

SECT. 89. When a commander orders out his company for military duty, or for election of officers, he shall issue orders, giving the time and place for the appearance of the members of the company for such military duty or election of officers, and notifying the men belonging to the company to appear at the time and place appointed. He may direct the orders to be delivered to the members by one or more of the enlisted men of the company; and if any such enlisted man or men fail to deliver the orders as required, he or they shall forfeit not less than twenty nor more than one hundred dollars, to be recovered on complaint of the commander of the company, as provided by law.

SECT. 90. No notice shall be legal, unless given to each man verbally, or by delivering to him in person, or leaving at his usual place of abode, the written or printed order, as required in section eighty-nine, signed by the company commander four days at least previous to the time appointed; but in case of invasion, insurrection, riot, or an unforeseen or sudden occasion, a verbal, written, or printed notice, however short, shall be legal. When a company is paraded, the commanding officer may verbally notify the men to appear at a future day, not exceeding thirty days from the time of such parade, which shall be sufficient notice as respects the persons present; and all commanders of companies may, on parade, read division, brigade, or regimental orders, and notify the soldiers of their several commands to appear as by such orders required; which notice shall be a sufficient warning.

SECT. 91. When a company is without commissioned officers, the commander of the regiment or battalion to which it belongs, or the officer detailed by him to discipline the same as provided in section twenty-six, shall, in writing, order any non-commissioned officers or privates to notify the persons liable to do duty in such company, to appear for duty required by law, at the time and place mentioned in such order; and if a non-commissioned officer or private refuses or neglects so to notify, he shall forfeit not less than twenty nor more than one hundred dollars, to be recovered on complaint by the commander thereof.

SECT. 92. Clerks of companies shall record, in the orderly-book, company orders and notifications; but such record shall not be necessary to the recovery of a penalty; and the records of clerks shall, at all proper times, be open to the inspection of members of the company.

SECT. 93. The system of discipline and field-exercise ordered to be observed by the army of the United States, in the different

corps, or such other system as may hereafter be directed for the militia, by laws of the United States, shall be observed by the militia.

SECT. 94. The volunteer militia shall parade by companies, unless otherwise ordered, annually, on the last Wednesday in May, for inspection, company-drill and manœuvre, and also for target-practice, and for this purpose the quartermaster-general is hereby authorized to issue, upon the requisition of the commanding officers of companies respectively the necessary ammunition. The commander-in-chief may, by general or special orders or regulations, direct that the parade in May, of the volunteer militia, or of any portion thereof, be by companies, battalions, regiments, or parts of regiments, as he may deem expedient, or as may be directed by the commanding officers of the respective divisions, brigades, regiments, or battalions; and he may by general orders authorize regimental and battalion commanders, in their discretion, to order the May parade on Decoration Day, so called. [*See sect.* 13, *chap.* 204, *Acts* 1876; *sect.* 11, *chap.* 117, *Acts* 1877.] For the benefits to be derived from the accommodations which may be provided at the state camp-ground for target-practice, the quartermaster-general is hereby authorized to allow, once each year, to the officers and enlisted men of the militia, a sum not to exceed two and one-half cents per mile for travel to and from the state camp-ground, the distance to be computed as provided in section one hundred and twenty-seven; payment for such travel to be made upon rolls furnished by the adjutant-general. [*See sect.* 10, *chap.* 204, *Acts* 1876.] For target-practice upon such occasions the quartermaster-general is authorized to issue a reasonable amount of ammunition.

The quartermaster-general is authorized to receive into the arsenal at the state camp-ground, such articles of personal property, used for military camping purposes, as may be desired, from the several organizations of the militia. These articles shall be received and delivered at the expense of the owners thereof, and be held at such owners' risk.

SECT. 95. The commanding officer of every regiment, battalion, corps of cadets or detached company may order out the commissioned and non-commissioned officers and musicians under his command, for elementary drill, two separate days, between the middle of May and the middle of July in each year, at such place as he shall deem most convenient; and if the place of any such commissioned or non-commissioned officer in any company shall be vacant from any cause, it shall be the duty of the commanding officer of such company to detail from the enlisted men under his command a number sufficient to make up the complement of commissioned and non-commissioned officers to which by law his company is entitled.

And each person so ordering and so ordered, that shall attend any

such drill, shall receive for his service the sum of two dollars. [*See sect.* 10, *chap.* 204, *Acts* 1876.]

SECT. 96. The amount to which each person is entitled as aforesaid, shall be certified to the adjutant-general, in such form as he shall prescribe, under oath, and the same shall be paid in the manner prescribed in section one hundred and twenty-seven for payment for camp duty.

SECT. 97. The commander of any regiment or battalion, whose companies are located within a radius of three miles, is authorized to assemble said companies or the officers thereof, for evening drill, instruction, inspection, or other business, at such times as he may judge best for the promotion of discipline in his command; and commanders of all brigades, regiments, battalions, or detached companies are authorized to order inspections whenever the good of the service demands, and company commanders shall order evening drills once in two months. Neglect on the part of subordinate officers or enlisted men to appear at such inspections or drills shall be punishable as for disobedience of orders.

SECT. 98. Unless the commander-in-chief prescribes the time, place, and manner of assembling the troops for the purposes declared in this section, each commander of division shall annually order an encampment of his division, by brigades or regiments, at some time during the months of July, August, or September. The orders for encampment by brigade shall be promulgated in the brigade thirty days before the time appointed for the encampment; the orders for encampment by regiment shall be promulgated in the regiment twenty days before such time. The place, and if no time is designated by the commander of division, the time of encampment shall be designated by the commander of the troops, to be assembled, and regard shall always be had to the convenience, proximity, and accommodation of the troops to be assembled; but no ground shall be occupied for an encampment in the time of peace without the consent of the selectmen of the town, or mayor and aldermen of the city, where the encampment is to be made, unless by order of the commander-in-chief; such ground to be paid for by the state on contracts to be approved by the adjutant-general.

All encampments less than division encampments, shall be held upon the state camp-ground, unless otherwise directed by the commander-in-chief; said state camp ground shall be under the care and control of the adjutant-general or quartermaster-general, and the expense of keeping it in repair and of storing and guarding the state property upon said ground, or of taking proper care of the arsenal and state property at Cambridge, shall be provided for in the annual appropriation for quartermaster's supplies.

SECT. 99. No larger body than a brigade shall be ordered to parade at the same time and place, except by order of the commander-in-chief.

SECT. 100. Each encampment shall last five days; and the troops shall be inspected, reviewed, and thoroughly exercised, as companies, battalions, or brigades, in the whole routine of camp and field duty.

SECT. 101. Each cadet corps, company, and band roll-call shall be made during the term of encampment under the supervision and in the presence of a commissioned officer or band-master thereof; and the company commanders and band-masters shall provide the mustering officer with a sworn muster and pay roll, showing the names of all the officers and men belonging to the company or band; also the number of officers and men actually on duty each day in their respective commands; and on each day, immediately before or after the usual hour of evening dress-parade, each company shall be mustered in the manner prescribed in the tactics adopted for the use of the militia, by the mustering officer of the regiment or battalion to which such company or band belongs, or by a field or staff officer detailed by such regimental or battalion commander; and unattached companies, with their bands, shall be mustered by the mustering officer of the division or brigade to which such companies are attached, or by an officer detailed for the purpose by such division or brigade commander. The muster and pay rolls as herein required shall be sworn to each day before a justice of the peace, or a field or staff officer, by the commanding officer of the company or band-master and the officer mustering the same. Mustering officers shall prepare muster and pay rolls showing the names of the general, field, commissioned, and non-commissioned staff officers of their several commands; also the number of such commissioned and non-commissioned officers present each day at camp or on other duty; and these rolls shall be certified to by the respective commanding officers. The corps of cadets shall be mustered as herein prescribed by the mustering officer of such corps, or by an officer detailed for the purpose by such corps commander, upon muster and pay rolls, which shall be signed and sworn to by the officer mustering the corps, and certified to by the corps commander. The same method of muster shall be followed by such corps for May inspection and elementary drill.

Whenever troops are ordered for special duty, the commanding officer of such troops shall cause to be made muster and pay rolls for each day's duty as herein provided; and such troops shall be mustered by such commanding officer, or by an officer serving with him detailed for the purpose. All muster and pay rolls, for whatever duty required of the militia, shall show the absence from his command of any commissioned officer or enlisted man, with the cause and authority of such absence, and, unless otherwise ordered by the commander-in-chief, shall be forwarded direct to

the adjutant-general by the commanding officers of the respective commands with the least possible delay. For the duty required at May inspection, when performed by regiments and battalions as such, and also for duty at elementary drills, the same method of muster shall be pursued as herein provided for encampments. When the duty at May inspection is performed by companies, the officer in command of each company shall prepare the muster and pay rolls as herein provided, which rolls shall be sworn to by the officer mustering the company for such duty. Muster and pay roll for companies attached to divisions and brigades, and not to regiments or battalions, for May inspection and elementary drill, shall be prepared by the officer in command of such companies as herein provided; such rolls for May inspection to be sworn to by the officer making the inspection. For such companies at elementary drill the commanding officer shall make oath to the roll.

SECT. 102. When a company without commissioned officers parades with other troops, the officer in command shall detail one or more commissioned officers present to command it, unless the officer detailed by the commander of the regiment to command it is present.

SECT. 103. The assistant inspectors-general, under the orders of their respective commanding officers, shall attend the annual encampments of the regiments and battalions in their brigades while encamped separately, and while they are under arms, inspect their arms, uniforms, ammunition, and accoutrements, and shall make report to the adjutant-general at the close of the tour of duty, such reports being made through proper channels and consolidated by superior commands. [*See sect.* 8, *chap.* 204, *Acts* 1876.]

SECT. 104. By permission of the officer in chief command, and of their own immediate superiors, officers, privates, and musicians may drill and manœuvre in camp in undress uniform or fatigue dress, and mounted officers may discharge their duties on foot.

SECT. 105. Every commanding officer, when on duty, may ascertain and fix necessary bounds and limits to his parade or encampment (not including a road so as to prevent passing), within which no spectator shall enter without leave from such commanding officer. Whoever intrudes within the limits of the parade or encampment, after being forbidden, may be confined under guard during the time of parade or encampment, or a shorter time, at the discretion of the commanding officer; and whoever resists a sentry who attempts to put him or keep him out of such limits, may be arrested by order of the commanding officer, and carried before a judge-advocate or judge-advocate-general on duty at the encampment, or other court of justice having jurisdiction of the place, to be examined or tried upon complaint for such assault or disturbance or breach of the peace.

SECT. 106. No officer or soldier shall be holden to perform military duty except in case of invasion, insurrection, riot, or tumult, made or threatened, or in obedience to the orders of the commander-in-chief, on a day appointed for a meeting in the town in which he resides for the election of governor, lieutenant-governor, senators, electors of president and vice-president of the United States, or representatives to congress or the general court; and an officer parading his company, or ordering it to parade, contrary to the provisions of this section, shall, besides being liable to a trial before the military judge, forfeit not less than fifty nor more than three hundred dollars.

SECT. 107. The commander-in-chief may order out any portion of the militia for escort and other duties. [*See sect.* 7, *chap.* 117, *Acts* 1877.]

SECT. 108. Nothing herein contained shall be construed to prevent any company from meeting for the purpose of drill, funeral, or other escort, or a voluntary service, nor to impair the obligation arising under constitutional articles of agreement adopted by the company, so far as regards the members who have signed the same; but such articles of agreement, approved by the commander-in-chief, shall be valid and binding on all who have signed them, unless they are repugnant to law. But no parade or voluntary service shall be performed under arms or with state uniform, unless by approval of regimental or battalion commander, or, if unattached, by the adjutant-general. And any military organization leaving the state, without permission from the commander-in-chief, shall forthwith be disbanded. Volunteer companies shall have the right to own and keep personal property which shall belong to and be under the control of the active members of the company; and the commanding officer of any volunteer company may recover for the use of the company any debts or effects belonging to the company, or damages for the injury thereof, as provided in section one hundred and sixty-two; and no suit or complaint pending in his name shall be abated by his ceasing to be commanding officer of the company, but upon the motion of the commander succeeding him such commander shall be admitted to prosecute the suit or complaint in like manner and with like effect as if it had been originally commenced by him.

SECT. 109. Any soldier quitting his guard, section, platoon, or company, may be put and kept under guard by the commander of the company, regiment, or of the field, for a time not extending beyond the term of service for which he is then ordered.

SECT. 110. Soldiers in companies, without officers, when ordered out to be trained and disciplined, shall, for absence, deficiency, misconduct, or neglect, be liable to the fines prescribed for offences in other companies, to be recovered upon complaint of the officer so detailed.

SECT. 111. The assistant adjutants-general of each division and brigade, and the adjutant of each regiment, battalion, or corps, shall constantly keep a correct roster of the command to which he belongs, and an orderly book in which he shall record orders received and issued.

SECT. 112. A fair and exact roll of each company shall be kept by the clerk, under the direction of the commander, with the state of the arms and equipments furnished to each man, in the form prescribed for the returns of the militia by the commander-in-chief. Such rolls shall be annually revised in the month of May, and corrected from time to time, as the state of the company and alterations in it may require. Muster rolls of the volunteer militia shall be made annually, showing the names of all general, field, staff, and non-commissioned staff officers, and the names of all company officers and enlisted men in the service and who have been in service during the year; they shall also show by name the changes that have taken place during the year, and the cause of such changes. These rolls shall be made up to the first of June in each year, and shall be forwarded to the adjutant-general within twenty days thereafter; they shall be prepared for companies by the respective company commanders, and all others by direction of the commanding officers of the several organizations. Such rolls for the year ending May thirty-first, eighteen hundred and seventy-four, shall give the information herein required, from the first of August, eighteen hundred and seventy-three. A sworn copy of such rolls shall be furnished by the commanding officers of companies and such other organizations, to the mayor and aldermen of the city or selectmen of the town in which such companies or organizations are located, for the purposes set forth in section seventeen of this act. The clerk of the ancient and honorable artillery company shall furnish annually, as provided herein, the mayor and aldermen of the city of Boston with sworn rolls of all active members belonging to the company.

SECT. 113. An orderly book shall also be kept in each company, by the clerk, under the direction of the commander; and the proceedings of the company, orders received and issued, and exact details of drafts and detachments, shall be recorded therein. Fines and forfeitures, with the time when, and the offence, neglect, default or deficiency for which they were incurred, money collected by him or the company commander, with the names of the persons from whom collected, and all delinquencies and deficiencies, shall be recorded in said book, which shall not be alienated from the company, and shall always be open to the inspection of its members.

SECT. 114. At the conclusion of each tour of camp duty, commanders of companies shall make correct triplicate returns of their

several companies, which shall certify the manner in which such company, on each of the days of encampment, performed the duties required by law. He shall deliver one of such returns to the inspecting officer on duty in camp, and the others to the commander of his regiment or battalion, who shall retain one and send the third direct to the adjutant-general within ten days after said tour of camp duty. The returns of companies or corps attached to divisions or brigades, and not to regiments, shall be sent to the commanding officers of divisions or brigades, respectively, and consolidated, and transmitted by them to the adjutant-general.

SECT. 115. Assistant inspectors-general within twenty days after each tour of camp duty done by their respective brigades, or the regiments and battalions thereof, shall make and transmit to the commander of the brigade a correct return of such brigades, reporting therein the condition of the uniforms, arms, accoutrements, and ammunition of the several corps, with such suggestions relating to the government of the militia and the advancement of order and discipline as in his judgment may be required.

SECT. 116. Commanders of brigades shall, within thirty days after each tour of camp duty performed by the troops under their respective commands, transmit to the commanders of their divisions a correct return of their respective brigades, as furnished by the assistant inspectors-general under the preceding section. Commanders of divisions shall, within ten days after the receipt of such returns of brigades under their respective commands, transmit to the adjutant-general correct returns of the state of their divisions, as derived from such brigade returns.

SECT. 117. When an invasion of, or insurrection in, the state is made or threatened, the commander-in-chief shall call upon the militia to repel or suppress the same; and may order out divisions, brigades, regiments, battalions, or companies; or may order to be detached parts of companies thereof, or any number of men to be drafted therefrom, and may cause officers to be detailed, sufficient with those attached to the troops, to organize the forces. If such invasion or insurrection, or imminent danger thereof, in any part of the state, is so sudden that the commander-in-chief cannot be informed, and his orders received and executed in season to resist or suppress the same, a commander of division in such part of the state may order out his division or any part thereof, as the commander-in-chief might do.

SECT. 118. When a draft from the militia is ordered, the non-commissioned officers and privates, except so many as offer to serve voluntarily, shall be drafted by lot from the company, and the officers regularly detailed from the roster.

SECT. 119. If a company without officers is ordered to march, or a draft or detachment is ordered therefrom, the commander of

the regiment or battalion shall detail an officer to command, who shall have the same authority to order them to appear, to command them in the field, or to make a draft or detachment therefrom, as the captain of such company would have, and shall be under the same responsibility.

Sect. 120. Every person so ordered out, detached, or drafted, who does not appear according to law at the appointed time and place, or provide a substitute, or within twenty-four hours pay to the captain of his company, or officer to whom he is ordered to report, one hundred dollars, to be paid into the treasury of the Commonwealth, shall be taken to be a soldier absent without leave.

Sect. 121. The selectmen of a town, and the mayor and aldermen of a city, to which men so ordered out, detached, or drafted belong, when required in writing by a commander of a regiment or detachment, shall provide carriages to attend them with further supplies of provisions and to carry necessary baggage, and provide necessary camp equipage and utensils, until notified by the commanding officer to desist; and shall present their accounts as provided in section one hundred and thirty-six. For any neglect by such mayor and aldermen or selectmen, under this section, such city or town shall forfeit, to the use of the Commonwealth, not less than twenty nor more than five hundred dollars. The officer to whom any articles above mentioned are delivered shall be responsible that care is taken of the same.

Sect. 122. When there is in any county a tumult, riot, mob, or a body of men acting together by force with attempt to commit a felony, or to offer violence to persons or property, or by force and violence to break and resist the laws of the Commonwealth, or when such tumult, riot, or mob is threatened, and the fact is made to appear to the commander-in-chief, or the mayor of a city, or to a court of record sitting in said county, or if no such court is sitting therein, then to a justice of said court, or if no such justice is within the county, then to the sheriff thereof, the commander-in-chief may issue his order, or such mayor, court, justice, or sheriff, may issue a precept, directed to any commander of a division, brigade, regiment, battalion, or company, directing him to order his command, or part thereof (describing the kind and number of troops), to appear at a time and place therein specified, to aid the civil authority in suppressing such violence and supporting the laws, which precept, if issued by a court, shall be in substance as follows: —

———, *ss.*

COMMONWEALTH OF MASSACHUSETTS.

L. S.

To (*insert the officer's title*) A B, commanding (*insert his command*).

Whereas it has been made to appear to our justices of our , now holden at , within and for the county of , that (*here state one or more of the causes above mentioned*), in our county of , and that military force is necessary to aid the civil authority in suppressing the same; now, therefore, we command you that you cause (*here state the number and kind of troops required*), armed and equipped, and with ammunition, as the law directs, and with proper officers, either attached to the troops, or detailed by you, to parade at , on , then and there to obey such orders as may be given them, according to law. Hereof fail not, at your peril, and have you there this writ, with your doings returned thereon.

Witness, L S, Esq., at , on the day of in the year

C D, *Clerk.*

And if the same is issued by a mayor, justice, or sheriff, it shall be under his hand and seal, and otherwise varied to suit the circumstances of the case.

SECT. 123. The officer to whom the order of the commander-in-chief or such precept is directed shall forthwith order the troops therein mentioned to parade at the time and place appointed. If he refuses or neglects to obey such order or precept, or if any officer neglects or refuses to obey an order issued in pursuance thereof, he shall be cashiered, and punished by fine or imprisonment not exceeding six months, as a court-martial may adjudge. Any person neglecting or refusing to appear at the place of parade to obey an order issued in such case, or any person advising or endeavoring to persuade another to refuse or neglect to appear at such place, or to obey such order, shall forfeit to the use of the Commonwealth five hundred dollars.

SECT. 124. Such troops shall appear at the time and place appointed, armed and equipped, and with ammunition as for inspection of arms, and shall obey and execute such orders as they may then and there receive according to law.

SECT. 125. General, field, and commissioned staff officers, field and staff of cadet corps, commanders of batteries, and companies of cavalry, shall receive for each day's duty in camp, or under sections one hundred and seven and one hundred and twenty-two, or in visiting officially regimental or battalion encampments in their commands, six dollars, and such officers shall be entitled to five dollars per day for keeping and forage of horse, except when serving on special duty not requiring them to be mounted; non-commissioned staff officers, including non-commissioned staff officers of corps of cadets, the quartermaster-sergeant and commissary-ser-

geant of a company of artillery or cavalry attached to a brigade, shall receive three dollars a day, to be paid them upon certified muster and pay rolls, as provided in section one hundred and one. [*See sect.* 10, *chap.* 204, *Acts* 1876.]

Whenever the commander-in-chief shall, by general or special orders or regulations, direct that companies shall parade or drill by regiments or battalions instead of by companies, according to the provisions of section ninety-four of this act, such regimental or battalion field and staff officers shall be allowed and paid therefor the same compensation as is allowed them for other duty.

The judge-advocate-general shall receive an annual salary of one thousand dollars, to be paid quarterly by the treasurer of the Commonwealth. [*See sect.* 14, *chap.* 204, *Acts* 1876.]

Mustering officers and paymasters shall be allowed the pay of their rank for each day's service in the discharge of their special duties. But such pay per annum shall not exceed one hundred and twenty-five dollars for a mustering officer of a regiment, seventy-five dollars for that of a battalion, and fifty dollars for that of corps of cadets. They shall also be allowed the sum of five cents per mile each way for travelling expenses. [*See sect.* 4, *chap.* 117, *Acts* 1877.]

SECT. 126. Assistant adjutants-general of divisions and brigades, and adjutants of regiments or battalions, or of corps of cadets, of volunteer militia, shall receive twenty-five dollars annually, in addition to their pay as herein provided. Assistant inspectors-general shall receive six dollars a day and five cents a mile for travel to and from the place of inspection, for duties performed under section one hundred and three. [*See sect.* 10, *chap.* 204, *Acts* 1876.]

SECT. 127. Every other commissioned officer of the volunteer militia shall receive for each day's duty in camp or under sections ninety-four, one hundred and seven and one hundred and twenty-two, three dollars and fifty cents. [*See sect.* 10, *chap.* 204, *Acts* 1876.]

Every non-commissioned officer and soldier shall receive for each day's duty in camp or under sections ninety-four, one hundred and seven, and one hundred and twenty-two, two dollars and fifty cents. [*See sect.* 10, *chap.* 204, *Acts* 1876.]

There shall be allowed and paid to every officer and soldier in the militia, obliged to travel upon duty required by law, or by order of the commander-in-chief, a sum not to exceed two and one-half cents per mile each way, unless, as hereafter provided in this section and in section one hundred and thirty-two, the distance to be computed by the line of nearest railroad communication from the locality in which the headquarters of the various commands and armories of companies are situated. Mounted officers and en-

listed men, when directed by the commander-in-chief to transport their horses, shall be allowed and paid a sum not to exceed the rates of freight charged for horses by the most direct line of railroad communication, allowance to be made from the nearest point of departure from the locality in which the several headquarters and companies are situated to which said officers and enlisted men belong. Officers required to travel without the organizations or companies to which they belong, otherwise than to and from a place of encampment, elementary drill, or May inspection, shall be allowed and paid a sum not exceeding five cents per mile each way. [*See sect.* 10, *chap.* 204, *Acts* 1876, *and sect.* 11, *chap.* 117, *Acts* 1877.]

Every member of a band serving with the militia shall receive for services, in obedience to an order of his commander, at the rate of five dollars a day while on duty; and the bugler to a company of cavalry or artillery shall receive five dollars a day. For the duty required to be performed on the last Wednesday in May, and for each day's duty in camp as required by the provisions of this act, and also for each day of special duty performed under the orders of the commander-in-chief, issued in pursuance of the provisions of section one hundred and seven, every mounted non-commissioned officer, and every member of a mounted company or band, shall receive five dollars a day in addition to the compensation herein before provided, which shall include keeping and forage for horses. Such sums shall be computed by the adjutant-general from the field and staff, company and band pay-rolls, made out, certified, and returned under section one hundred and one. [*Sect.* 10, *chap.* 204, *Acts* 1876, *does not apply to members of bands not mustered in as enlisted men.*]

After such computation of sums due general, field, and staff officers, companies and bands, these rolls shall be laid before the auditor of the Commonwealth; and upon his approval the governor and council shall draw a warrant on the treasury for the respective amounts required by the several paymasters. The pay-rolls shall then be transmitted at once to the respective paymasters of divisions, brigades, regiments, battalions, and cadet corps, who shall immediately notify commanding officers and masters of bands that they are ready to pay their respective commands; and on receipt of the money on such warrant, the paymasters shall meet the several commanders, companies, and bands in their respective armories or headquarters, and pay the members the amounts due them, taking proper vouchers in duplicate for such payment, and at once, after paying all the troops in their respective commands, file with the treasurer of the Commonwealth an account of their payments, with the duplicates of their vouchers; and such accounts shall be audited by the state auditor and the several paymasters held to

account for any and all discrepancies which may be found to exist.

Paymasters shall give bond in the penal sum of ten thousand dollars, with two sureties at least, to be approved by the governor and council, conditioned faithfully to discharge the duties of their office.

Sect. 128. The computation provided for in the preceding section to be made by the adjutant-general shall be made from rolls required in section one hundred and one, in connection or comparison with the muster-in rolls and last preceding muster pay-rolls of companies, or the muster-rolls required to be made annually in section one hundred and twelve.

Sect. 129. The compensation provided for commanders of companies shall be forfeited for default in making the returns required by sections one hundred and one and one hundred and fourteen; and no person shall receive compensation who does not remain in camp and perform all duties required during the period of encampment; except that a person who once appears and is excused from further duty shall be entitled to compensation for the time he is actually engaged in service.

Sect. 130. No officer or soldier in the volunteer militia shall receive the compensation provided in this chapter, unless he personally performs the duties required by law; and no substitute shall be allowed compensation for service belonging to another to perform; nor shall excuses granted for absence from or non-performance of military duty entitle the person excused to receive such compensation.

Sect. 131. The adjutant-general shall present his account for expenses incurred in the performance of his duty as inspector-general to the auditor of accounts for allowance.

Sect. 132. Officers obliged to go out of the city or town of their residence to attend a military election shall be allowed ten cents a mile each way for travel. [*See sect.* 10, *chap.* 204, *Acts* 1876.]

Sect. 133. Officers composing military boards, and witnesses, both for the Commonwealth and the accused, attending before them, shall receive five cents for every mile they necessarily travel in going to and returning from the place of trial, and the following sums for each day of attendance: the president of a military board, six dollars; the judge-advocate of the same, six dollars, which shall be in full compensation, also, for all services of preparing papers before and making copies after any investigation; the marshal and other members of such board, four dollars; each witness attending on such board, or before the judge-advocate-general, one dollar and seventy-five cents. Fees for subpœnas and service of them shall be the same as in civil cases. [*See sect.* 10, *chap.* 204. *Acts* 1877.]

Members of the board provided in section twenty-one shall re-

ceive for each day's duty on such board six dollars, and five cents a mile each way for travel, to be paid quarterly by the treasurer of the Commonwealth, upon a roll approved by the adjutant-general. [*See sect.* 10, *chap.* 204, *Acts* 1877.]

No allowance shall be made for pay or rations for a military guard, unless such guard is ordered by the officer appointing the board, or by the judge-advocate-general; nor shall the above compensation be made to officers in actual service and receiving pay.

Officers or men tried by a military board, board of examiners, the judge-advocate-general or judge-advocates shall, if acquitted, be allowed the pay of their rank, to be paid out of the treasury on the certificate of the president of the board or the judge-advocate, to be approved by the adjutant-general. [*See sect.* 10, *chap.* 204, *Acts* 1876.]

SECT. 134. If an officer or soldier is wounded or otherwise disabled, or is killed or dies of wounds received while doing military duty, he, his widow or children, shall receive from the general court just and reasonable relief. [*See sect.* 16, *chap.* 204, *Acts* 1876.]

SECT. 135. The militia while in actual service shall receive the same pay and rations as the regular troops of the United States; and the rations when commuted shall be valued at the rate fixed by the regulations of the United States army in force at the time. When the militia are discharged from actual service they shall be allowed pay and rations to their respective homes.

SECT. 136. All military accounts, including claims against the state for money expended in the transmission of military documents to and from the department of the adjutant-general, unless it is otherwise specially provided by law, shall annually, on or before the fifth day of January, be transmitted to the adjutant-general, and examined, and, if found correct, certified by him. They shall then, unless it is otherwise specially provided by law, be presented to the state auditor for allowance, and upon such allowance certified by him to the governor, shall be paid to the persons to whom they are personally due, or to their order, at the treasury of the Commonwealth. And no military account shall be certified by the adjutant-general or allowed by the auditor, unless presented to the adjutant-general for allowance within the time prescribed by law.

SECT. 137. No officer shall be excused from duty except by the commander-in-chief, upon proper cause shown upon application.

No enlisted man shall be excused from service except upon physician's certificate of disability to do duty as provided in section twelve, or for other imperative cause; and excuses shall be granted only by the regimental or battalion commander for proper cause shown upon application.

Excuses for the non-appearance of a soldier shall be made to the

commanding officer of his company, or the officer detailed to train and discipline the company, within twenty days after a training or other military duty from which he has been absent; and on the delinquent's producing satisfactory evidence of his inability to appear, such officer may excuse him, with the approval of the commander of the regiment; but no such officer shall receive an excuse for non-appearance after the expiration of twenty days. No excuse shall avail such soldier, on a prosecution for the recovery of a fine or forfeiture, unless proved to have been made to such officer before the expiration of the twenty days, unless the delinquent satisfies the tribunal before whom the case is tried, that it was not in his power to make such excuse within the time. Such officers shall inform their clerks of all excuses allowed for non-appearance.

SECT. 138. No commanders of companies shall receive excuses for deficiencies of equipment.

SECT. 139. When a person is entitled to exemption from military duty, upon presenting evidence of the cause of his exemption to his commanding officer within or before a certain time, as provided in sections ten, eleven, and twelve, and omits so to present such evidence, it shall not avail him by way of excuse upon a prosecution for a particular absence or default, unless he makes his excuse to the commanding officer within twenty days after the training, or satisfies the court of justice it was not in his power to make such excuse within the time.

SECT. 140. The commander-in-chief may, in addition to the board provided in section twenty-one, from time to time, and at any time, appoint a military board of examiners of not less than three nor more than five officers, whose duty it shall be to examine the capacity, qualifications, propriety of conduct, and efficiency of any commissioned officer under the rank of major-general, who may be reported to them as a fit subject for examination; and upon the report of such board, if averse to such officer and approved by the commander-in-chief, the commission of such officer shall be vacated: *provided, always*, that if practicable, two members at least of such board shall be of military rank at least equal to that of the officer to be examined. The commander-in-chief may also, when in his opinion it is necessary, call boards of officers for settling military questions, or for other purposes relative to good order and discipline.

SECT. 141. In this chapter the word "soldier" shall include musicians and all persons in the volunteer or enrolled militia except commissioned officers, and the word "company" may include battery.

SECT. 142. If elders or overseers of a society of Quakers or Shakers give the certificate provided in the tenth section to a person who does not profess the religious faith of their society, or who

is not a member thereof, or who is not conscientiously scrupulous of bearing arms, each elder or overseer so offending shall forfeit two hundred dollars to the use of the Commonwealth, and be imprisoned not exceeding six months. And any person claiming to be exempted from enrolment by virtue of such a certificate, who does not profess the religious faith or is not a member of the society named therein, or who is not conscientiously scrupulous of bearing arms, shall be liable to the same penalty.

SECT. 143. Civil officers named in this chapter neglecting or refusing to obey its provisions shall, except as otherwise specially provided, forfeit not less than twenty nor more than five hundred dollars.

SECT. 144. The provisions of this chapter concerning the powers and duties of the selectmen of towns shall be construed to include the mayor and aldermen of any city.

SECT. 145. A company may remain unattached to any regiment, brigade, or division, or may be attached to a brigade or division, whenever in the opinion of the commander-in-chief the interests of the service require it: *provided*, that any company attached to a brigade or division shall be subject to the immediate orders of the commander of the brigade or division to which such company may be so attached, according to the provisions of the nineteenth section of this act.

SECT. 146. No citizen of the Commonwealth above the age of forty-five years shall on account of such age be ineligible to office in the militia nor incapable of serving in a volunteer company, and no citizen of the Commonwealth, otherwise qualified, shall be ineligible to office in the militia from not having been enrolled therein.

SECT. 147. The commander-in-chief may discharge any non-commissioned officer or soldier on application showing that the applicant has removed from the state or is physically disabled, disability to be established by regimental surgeon, or when two-thirds of the members of a company desire the discharge of one of their number on the ground of his being habitually troublesome, or of such character as to degrade the company; and the commander-in-chief may, whenever in his opinion the interests of the service require it, order the muster out or discharge of any non-commissioned officer or private of a volunteer company; in all cases facts to be fully set forth in the application, which may come from any company officer, to be forwarded through proper channels, and approved by intermediate commanders. And every non-commissioned officer and soldier, upon his muster out or discharge, shall be entitled to a certificate of such muster out and discharge, in such manner and form as the commander-in-chief shall direct

SECT. 148. Any company now organized, or that may here-

after be organized under the provisions of law, may be disbanded or mustered out and their officers discharged by the commander-in-chief, whenever the number of officers, non-commissioned officers, and privates duly enrolled therein for active service duty shall be less than forty-eight: *provided*, that such officers shall first have returned or accounted to the quartermaster-general for all uniforms, arms, equipments, and other property belonging to the Commonwealth for which they may be responsible; and when it appears to the commander-in-chief that a company of militia has failed to comply with the requisitions of the law in matters of uniform, equipment, and discipline, so that it is incapacitated to discharge the duties required of it, such company may be disbanded or mustered out by the commander-in-chief.

SECT. 149. It shall not be lawful for any body of men whatsoever, other than the regularly organized corps of the volunteer militia, the troops of the United States, the ancient and honorable artillery company, the veteran artillery association of Newburyport, the veteran cadet association of Salem, and the Salem light infantry veteran association, to associate themselves together as a military company or organization, or to parade in public with arms in any city or town of this Commonwealth without the license of the governor thereof, which may at any time be revoked; nor shall it be lawful for any city or town to raise or appropriate any money toward arming, equipping, uniforming, or in any way supporting, sustaining, or providing drill-rooms or armories for any such body of men: *provided*, that associations wholly composed of soldiers honorably discharged from the service of the United States may parade in public with arms, upon the reception of any regiments or companies of soldiers returning from said service, and for the purpose of infantry escort duty at the burial of deceased soldiers, having first obtained the written permission so to do of the mayor and aldermen or selectmen of the cities or towns in which they desire to parade. [*See Appendix, chap.* 163, *Acts* 1876. *See Appendix, chap.* 8. *Acts* 1877.]

SECT. 150. Whoever offends against the provisions of the preceding section, or belongs to or parades with any such unauthorized body of men, with arms, shall be punished by a fine not exceeding the sum of ten dollars, or by imprisonment in the house of correction or common jail for a term not exceeding six months.

SECT. 151. Nothing contained in this act shall be construed as affecting the right of the ancient and honorable artillery company to maintain its organization as a military company according to ancient usage, and agreeably to the provisions of its constitution and by-laws, provided the same are not repugnant to the laws of this Commonwealth, or do not restrain the lawful parades or exercise of the militia active.

SECT. 152. The governor shall appoint and commission, with the rank of brigadier-general, a judge-advocate-general, who shall be skilled in the law and in military usages, and he shall hear and determine, from time to time, all military offences which shall be brought before him, finding the facts of the accusation in all instances, and whether the accused is guilty or not guilty of the offence charged, and awarding sentence within the limits of the law, which findings and sentence shall be by him reduced to writing, and forwarded for the approval of the commander-in-chief; and said judge-advocate-general shall be the court-martial of the militia. [*See sect.* 12, *chap.* 117, *Acts* 1877.] In case of approval, said judge-advocate-general may issue his warrant, under his hand and seal, reciting the conviction and sentence, and the approval of the governor, and directed to the sheriffs, deputy-sheriffs, constables, and jailers, directing execution of the sentence to be done; which warrant shall be executed in like manner as a warrant or execution from a court of criminal jurisdiction might be.

Said judge-advocate-general shall hold courts as may be necessary, and at such times as the commander-in-chief may order, and said courts shall be continued by adjournment till the cases to be tried are disposed of.

SECT. 153. Every accusation against any officer or enlisted man shall be in the form of charges stating the legal nature of the offence imputed, and specifications setting forth the particular facts constituting the offence, with reasonable clearness, accuracy, and conciseness, and shall be signed by the party preferring the same, and indorsed with the names of the witnesses to the facts of the specification; and no accusation shall be preferred for any act occurring more than two years previous.

SECT. 154. When an accusation is preferred against any officer or enlisted man, it shall be forwarded through the proper channels, until it reaches a brigade or division commander, who shall refer it to his judge-advocate to determine if the accusation is in proper form, and to report whether or not it is expedient to prosecute; and upon receipt of his report, such commander shall order the prosecution to be made, or not to be made, or transmit the accusation and report for instructions, as may seem expedient.

And in case a prosecution is ordered, the accused shall be furnished with a copy of the accusation by the judge-advocate, at least ten days before his trial, and may be suspended from command till his case has been heard, if the brigade commander shall so determine, or in extreme cases may be placed under arrest by any superior, before an accusation is preferred.

SECT. 155. The judge-advocate-general may preserve order in his court with the same authority as a court of record, and on any accusation against an officer may fine him not exceeding two hun-

dred dollars, and sentence him in one or more of the following ways: to be reprimanded in orders, or to be dismissed the service and disqualified from military office for life or for a term of years, according to the nature of his offence; and on an accusation against an enlisted man, may fine him not exceeding fifty dollars, or sentence him to be reprimanded in orders; or if a non-commissioned officer, to be reduced, or to be dishonorably discharged, according to the nature of his offence. The judgment of disqualification may, after approval, be reversed, in the whole or part, by the commander-in-chief; but all other parts of the sentence, when approved, shall remain in full force.

SECT. 156. Every commissioned officer may be tried for the following offences: for unmilitary or unofficerlike conduct when on duty; for neglect of duty; for disobedience of orders, or an act contrary to the provisions of this chapter; for oppression or injury of any under his command; for a combination or attempt to break, resist, or evade the laws or lawful orders given to a person, or advising any person so to do; for insult to a superior officer in the exercise of his office; for presuming to exercise his command while under arrest or suspension, in which case, if guilty, he shall be removed from office; for neglect or refusal, when commanding officer, to order out the troops under his command when required by law or ordered by his superior officer; for excusing, as commanding officer of a company, any person under his command, for deficiency or unnecessary absence, or after the expiration of the time allowed by law; for neglect or refusal to make a draft or detachment when legally ordered to do so; for neglect or refusal to cause prosecutions to be commenced for fines, when it is necessary; for parading the troops under his command on days of election, contrary to law; for receiving any fee or gratuity, as surgeon or assistant-surgeon, for a certificate of inability to do military duty; for neglect, when detailed to train and discipline a company, to make complaint for neglect or violation of duty as provided by law, or for any other neglect for which a commanding officer of the company would be liable; for neglect or refusal to march, to make a draft, or for disobedience to an order, in case of rebellion or insurrection, as provided by law, in which case the offender shall be cashiered; for refusal or neglect to obey a precept or order to call out the militia, or an order issued in obedience thereto, in case of tumult, riot, or other cause as provided by law, or for advising any officer or soldier to do the like, in which cases the offender shall be cashiered, besides being subject to fine and imprisonment; or for any other conduct unbecoming an officer and gentleman, or to the prejudice of good order and military discipline, and affecting him in the exercise of his office or ability to command or retain the respect of those under him.

SECT. 157. Any enlisted man may be tried before the judge-advocate-general for disobedience of orders, disrespect to his superiors, mutiny, exciting or instigating disrespect to the constituted authorities of the state or of the United States, or conduct to the prejudice of good order and military discipline, committed while on duty or under arms, or participating in any parade, inspection, encampment, drill, or meeting, which shall be duly ordered by his superior officer, or prescribed by company constitution, or volunteered by vote of the company to which he belongs.

SECT. 158. All fines and forfeitures incurred by an enlisted man under section one hundred and fifty-nine may be prosecuted for by complaint of commander of his company before the judge-advocate of the brigade in which said company belongs, or before the judge-advocate of the division in case of divisionary corps, and said judge-advocate shall have the same powers with regard to such prosecutions as municipal courts now have. And from the sentence of any such judge-advocate the accused may appeal to the next term of the superior court, in like manner as from a conviction before a municipal court in criminal cases; but no warrant need be issued to bring the offender before the judge-advocate.

SECT. 159. Every enlisted man absent without leave from duty, when legally notified to appear, shall be fined as follows, with costs: For absence from May inspection, four dollars. For absence from elementary drill, three dollars. For absence from encampment or review, for each day's absence, five dollars. For absence from special duty when ordered by the commander-in-chief, for each day's absence, three dollars. For absence from any parade, meeting, or other service prescribed by company constitution, or duly volunteered by vote of his company, for each day's absence, three dollars.

And every enlisted man appearing at any parade or drill, required by law or duly volunteered, deficient in all or any arms, ammunition, equipment, or uniform furnished by the state, or unserviceable or in bad condition, if from his own neglect, shall forfeit five dollars.

And every enlisted man who without order or unnecessarily comes to parade with loaded arms, or loads upon duty, or discharges his piece without orders either upon or on the way to or from his tour of duty, shall forfeit not less than five nor more than twenty dollars.

And every enlisted man neglecting his guard, or quitting his post of duty, shall forfeit two dollars.

In lieu of said fines, enlisted men may be dishonorably discharged from the service, upon trial, as provided in section one hundred and fifty-eight; but, in case of sentence to dishonorable discharge, there shall be an appeal to the judge-advocate-general.

Any enlisted man so discharged shall be debarred from holding office in the militia.

SECT. 160. All fines and forfeitures under the militia laws, which may be collected of company officers or of men, shall be paid into the treasury of the company to which the party paying the fine belongs, for the general expenses of the company. All other fines and forfeitures shall upon collection be paid into the treasury of the Commonwealth.

SECT. 161. Fines and forfeitures not collected on warrant or execution may be collected by returning the record of conviction before the judge-advocate-general or judge-advocate into the superior court for the county in which the offence occurred, to be recorded, and issuing *scire facias* thereon.

SECT. 162. Prosecutions by commanders of companies to recover possession of state or company property, wrongfully withheld by any person, or damages for the loss or injury to the same, may be made by complaint, setting forth the facts and the value of the property and the relief demanded, before the brigade or division judge-advocate, who may, if the nature of the case require, render judgment in the alternative for the restoration of the property, or for liquidated damages, to be paid to the prosecutor for the use of the state or the company entitled to the property wrongfully withheld, lost or injured; and with regard to such cases, the judge-advocate shall have the same powers as a municipal court would have in civil cases, and the parties to the cause the same rights of appeal or otherwise, and execution shall be issued as in civil cases. When the amount in dispute is beyond the jurisdiction of municipal courts, prosecutions under this section shall be brought in the superior court of the county in which the defendant resides.

SECT. 163. Prosecuting officers shall receive the per diem of officers on special duty and the docket-fee, to be paid upon certificate of the judge-advocate-general, or judge-advocate, from the treasury of the Commonwealth, on approval of the adjutant-general.

Judge-advocates shall receive for the cases tried before them the same fees as trial justices, to be paid from the treasury of the Commonwealth on their certificate and affidavit. Witnesses and process officers shall be paid at the same rate as witnesses and process officers in courts of law, on the certificate of the judge-advocate, from the treasury of the Commonwealth, on the approval of the adjutant-general. [*Sect.* 10, *chap.* 204, *Acts* 1876, *applies to the per diem of prosecuting officers.*]

SECT. 164. Costs of prosecution shall in cases of conviction be at the same rates as in the criminal courts, and a docket-fee of four dollars shall in all cases be taxed to the prosecuting officer for each day spent in the trial. [*Sect.* 10, *chap.* 204, *Acts* 1876, *does not apply to this section.*]

SECT. 165. The judge-advocate-general or a judge-advocate may be detailed by the commander-in chief to attend any encampment, and shall have, during the encampment, within the encampment, and for a distance of one mile from the guard-line, the jurisdiction of a municipal court over all offences committed in said time.

SECT. 166. Any officer, band-master, or other person required to muster and make rolls or returns of men or property, neglecting the same, shall be fined twenty-five dollars, and if an inspecting or mustering officer, seventy-five dollars; and any officer or band-master making a false muster-roll or return of men or property shall forfeit one hundred dollars, and if a mustering or inspecting officer, three hundred dollars, to be recovered on complaint of the officer to whom the return is due, before the judge-advocate-general, subject to appeal to the superior court of the county in which the defendant resides.

SECT. 167. In time of insurrection, invasion, or active service within the state, the commander-in-chief may confer the powers of judge-advocate-general or of judge-advocate upon any officer serving with troops, or may order military offences to be tried as provided in the United States service. [*See sect.* 12, *chap.* 117, *Acts* 1877.]

SECT. 168 Chapter three hundred and thirteen of the acts of eighteen hundred and seventy-three, and all other acts and parts of acts inconsistent with the provisions of this act are repealed; but this section shall not be construed as reviving or in any manner restoring any former acts or parts of acts inconsistent with the provisions of this act, that were repealed by the chapter herein before named.

SECT. 169. This act shall take effect upon its passage. [*Approved June* 10, 1874.]

AMENDMENTS.

[Chapter 229, Acts of 1875.]

AN ACT TO AMEND CHAPTER THREE HUNDRED AND TWENTY OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-FOUR, CONCERNING THE MASSACHUSETTS VOLUNTEER MILITIA.

Be it enacted, &c., as follows :

SECT. 1. The adjutant and assistant-surgeon of companies of cavalry and artillery, when attached to brigades as provided in section eighteen of chapter three hundred and twenty of the acts of the year eighteen hundred and seventy-four, shall receive the same compensation as is allowed to other commissioned staff officers. Adjutants of such commands shall also be allowed the same sum annually as provided for adjutants of regiments by section one hundred and twenty-six of chapter three hundred and twenty of the acts of the year eighteen hundred and seventy-four. [*See sects.* 18, 125, *and* 126, *chap.* 320, *Acts* 1874.]

SECT. 2. In times of peace, no more than four guns shall be allowed to a battery of artillery. [*See sect.* 78, *chap.* 320, *Acts* 1874.]

SECT. 3. There shall be allowed to each separate battalion one chaplain, one drum-major, one commissary sergeant, who shall receive the same pay and allowance as other officers and enlisted men of their grade. [*See sect.* 18, *chap.* 320, *Acts* 1874.]

SECT. 4. In each brigade there shall be only one aide-de-camp upon the staff of the brigade commander in addition to the number of staff officers now allowed by law, who shall receive the same pay and allowance as officers of the same grade. [*See sect.* 18, *chap.* 320, *Acts* 1874.]

SECT. 5. This act shall take effect upon its passage. [*Approved May* 19, 1875.]

[Chapter 204, Acts of 1876.]

AN ACT TO REDUCE THE EXPENSES AND INCREASE THE EFFICIENCY OF THE MILITIA.

[*See sect.* 1, *chap.* 107, *Acts* 1877.]

Be it enacted, &c., as follows:

SECT. 1. In time of peace, the active militia shall consist of not more than sixty companies of infantry, three companies of cavalry, three companies of light artillery, and two corps of cadets. [*See sect.* 14, *chap.* 320, *Acts* 1874, *and chap.* 118, *Acts* 1877.]

SECT. 2. The maximum number of officers, non-commissioned officers, musicians, and privates in a company of infantry shall be fifty-one; and in companies of cavalry and artillery, eighty. [*See sect.* 14, *chap.* 320, *Acts* 1874; *sect.* 1, *chap.* 117, *Acts* 1877.]

SECT. 3. The commander-in-chief shall, within three months after the passage of this act, arrange the companies, exclusive of the cadet corps, into regiments of eight companies each, and battalions of two or more companies each, and form them into two brigades. The two brigades thus constituted, together with the two corps of cadets, shall be under the immediate orders of the commander-in-chief. Commanding officers thereof shall be held responsible by the commander-in-chief for the discipline and efficiency of their commands. [*See sect.* 19, *chap.* 320, *Acts* 1874.]

SECT. 4. The commissions of all general and field officers, with their respective staffs (with the exception of the staff of the commander-in-chief) now serving in the militia, shall expire upon the passage of this act, and they shall receive from the commander-in-chief an honorable discharge from the service. [*See sect.* 2, *chap.* 107, *Acts* 1877.]

During the re-organization of the militia, as hereinbefore provided, the commander-in-chief shall, at such times as seem to him advisable, order elections to fill vacancies.

SECT. 5. The commissions of all line officers now in force shall continue not longer than five years from the date of the passage of

this act, and hereafter all officers of the militia shall be commissioned for the term of five years only. But every officer shall be eligible to a re-election, and if so re-elected shall take rank according to the date of his first commission of the same grade.

SECT. 6. Upon the passage of this act the inspector-general and such assistants as may be necessary for the early accomplishment of the purpose, shall proceed to the inspection of the companies of artillery, cavalry, and infantry. The inspection shall be made with relation to numbers, discipline, drill, records, condition of public property in possession, and any other matters affecting the character and efficiency of the organization. The inspector-general shall report to the commander-in-chief the results of the inspections made by him or his assistants, and the commander-in-chief shall, in orders, direct the muster-out or disbandment of the companies which shall be lowest in order of inspection, and proceed to re-organize the force of the state upon the basis provided in section nineteen, chapter three hundred and twenty, acts of eighteen hundred and seventy-four, not exceeding two brigades, and the commander-in-chief shall from time to time disband any company or companies which are reported by the inspector-general to be below the proper standard of efficiency. In battalions of four or six companies, elections shall not be authorized for officers of higher grade than major and lieutenant-colonel, respectively. [*See sect.* 18, *chap.* 320, *Acts* 1874.]

SECT. 7. The commander-in-chief shall appoint upon his staff an inspector-general, who shall be other than the adjutant-general, with the rank of brigadier-general, and shall receive the same pay and allowances as other officers of the same rank, and, in addition, the sum of five cents a mile for necessary travel to and from the place of inspection. He shall present his accounts for expenses incurred in the performance of his duty to the auditor of accounts for allowance. [*Sect.* 10 *of this act is held not to affect the allowance for travel of inspector-general. See sect.* 18, *chap.* 320, *Acts* 1874.]

SECT. 8. At each encampment the troops shall be inspected by the inspector-general, his assistants, or such other officer as he shall indicate. Assistant inspectors-general shall make their reports in duplicate, forwarding one to the inspector-general direct, and the other to the adjutant-general though the usual military channels. [*See sect.* 103, *chap.* 320, *Acts* 1874.]

SECT. 9. Every officer whose duty it is, under section seventy of chapter three hundred and twenty of the acts of the year eighteen hundred and seventy-four, to make return on the first day of December, annually, of all property received by him, and for which he is by law accountable, shall be required to make a like return also on the first day of July, annually. And any such officer who shall not make the required return within fifteen days after the

same is due, shall be reported to the commander-in-chief for such action as the case may require.

SECT. 10. From and after the first day of June of the present year, the pay and allowances of officers and enlisted men shall be reduced twenty per cent from the rates established by existing laws. [*See sects.* 94, 95, 125, 126, 127, 132, 133, *chap.* 320, *Acts* 1874.]

SECT. 11. So much of sections fifty-seven, fifty-eight, and fifty-nine of chapter three hundred and twenty of the acts of the year eighteen hundred and seventy-four as authorizes the purchase of uniforms for the militia at the expense of the Commonwealth, is hereby repealed.

SECT. 12. No allowance shall be made for mounted bands. [*See sect.* 49, *chap.* 320, *Acts* 1874, *and sect.* 7, *chap.* 117, *Acts* 1877.]

SECT. 13. The volunteer militia shall no longer be required to parade annually on the last Wednesday in May for inspection, company drill, and manœuvre. [*See sect.* 94, *chap.* 320, *Acts* 1874.]

SECT. 14. The judge-advocate-general shall receive, when on duty, the same pay and allowances as other officers of his grade, and, in addition, the fees allowed to judge-advocates, as provided in section one hundred and sixty-three of chapter three hundred and twenty of the acts of the year eighteen hundred and seventy-four, and shall receive no other compensation. [*See sect.* 125, *chap.* 320, *Acts* 1874.]

SECT. 15. The inspector-geueral and two other officers, designated by the commander-in-chief, shall constitute a board to inspect and condemn the public property which has or may become unfit for use, and no public property shall be sold until it has been inspected and condemned as herein provided, and such condemnation approved by the commander-in-chief. All sales of condemned public property shall be by public auction, unless the commander-in-chief shall otherwise direct, and the proceeds of such sales shall be paid into the treasury.

SECT. 16. Section one hundred aud thirty-four of chapter three hundred and twenty of the acts of the year eighteen hundred and seventy-four, is hereby repealed.

SECT. 17. This act shall take effect upon its passage. [*Approved April* 28, 1876.]

[Chapter 107, Acts of 1877.]

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO REDUCE THE EXPENSES AND INCREASE THE EFFICIENCY OF THE MILITIA.

Be it enacted, &c., as follows:

SECT. 1. The title of chapter two hundred and four of the acts of the year eighteen hundred and seventy-six is hereby amended by striking out the words "increase the efficiency of," and inserting instead thereof the word "re-organize."

SECT. 2. Immediately upon the passage of this act the adjutant-general shall issue and forward, to every officer of the militia who has been discharged under the provisions of chapter two hundred and four of the acts of the year eighteen hundred and seventy-six, new certificates of discharge, expressed in compliance with the provisions of this act. [*Approved April* 6, 1877.]

[Chapter 117, Acts of 1877.]

AN ACT TO AMEND CERTAIN ACTS CONCERNING THE MILITIA.

Be it enacted, &c., as follows:

SECT. 1. The maximum number of commissioned officers and enlisted men in companies of artillery or cavalry when not attached to a battalion shall be eighty-four, and the minimum sixty-four. The minimum number of commissioned officers and enlisted men in companies of infantry shall be thirty-nine, and in companies of artillery and cavalry when attached, sixty. [*See sect.* 14, *chap.* 320, *Acts* 1874; *sect.* 1, *chap.* 204, *Acts* 1876.]

SECT. 2. No election of officers shall be ordered in any company hereafter organized unless there shall have been enlisted therein, if for a company of infantry at least thirty-six men, and if for a company of cavalry or artillery, at least sixty men. [*See sect.* 15, *chap.* 320, *Acts* 1874.]

SECT. 3. No uniforms, arms, equipments, or military supplies, shall be issued to or for the use of any company, unless the said company shall have at least the minimum number of commissioned officers and enlisted men prescribed by law. [*See sect.* 62, *chap.* 320, *Acts* 1874.]

SECT. 4. Instead of the pay and allowance provided by section one hundred and twenty-five, chapter three hundred and twenty of the acts of the year eighteen hundred and seventy-four, for the special duties performed by mustering officers and paymasters, there shall hereafter be allowed and paid to such officers the sum of twelve dollars and fifty cents per annum for each company in

the command to which they are attached, such allowance to be paid quarterly.

SECT. 5. The commander-in-chief may authorize brigade commanders to call meetings of their staff officers, the field officers, adjutants, and captains of unattached companies of their commands, at some convenient place within the limits of their brigades, six times in each year, for instruction in tactics and the customs of the service; but nothing in this act shall be construed as allowing any compensation for attendance at such meetings. When such meetings are authorized, the quartermaster-general shall provide the necessary transportation for all officers attending such meetings at rates already established by law, whenever the distance travelled shall exceed five miles.

SECT. 6. Any man who may have received an honorable discharge from the volunteer militia by reason of the expiration of his term of service, may re-enlist and be mustered in for a term of one, two, or three years, as he may elect. [*See sect.* 16, *chap.* 320, *Acts* 1874.]

SECT. 7. The commander-in-chief may authorize the use of mounted bands upon occasions of escort duty. [*See sect.* 49, *chap.* 320, *Acts* 1874, *and sect.* 12, *chap.* 204, *Acts* 1876.]

SECT. 8. To each separate cadet corps and battalion of infantry and cavalry there shall be allowed one assistant-surgeon with the rank of first lieutenant. [*See sect.* 18, *chap.* 320, *Acts* 1874.]

SECT. 9. There shall be allowed to each brigade, to be recruited by the brigadier-general commanding, the following non-commissioned officers, who shall be mustered in and receive the same pay and allowances as non-commissioned staff officers of infantry, except that the bugler and color-bearer shall be mounted and receive the pay and allowances of non-commissioned staff officers of mounted commands, viz.: — one brigade sergeant-major, one brigade quartermaster-sergeant, one brigade hospital steward, as assistants respectively in the departments of the assistant adjutant-general, assistant quartermaster, and medical director; one brigade bugler, one brigade color-bearer, and two brigade sergeants as clerks. [*See sect.* 18, *chap.* 320, *Acts* 1874.]

SECT. 10. Instead of the drum-major authorized to battalions, there may be enlisted in battalions of artillery or cavalry, one chief bugler, and there may be enlisted in such battalions of artillery or cavalry, two guidons, all of whom shall be mustered in, and receive the pay and allowances of non-commissoned staff officers of mounted commands. [*See sect.* 18, *chap.* 320, *Acts* 1874.]

SECT. 11. Transportation for the volunteer militia may be furnished in kind by the quartermaster-general; and when so furnished the allowance for transportation otherwise provided for in chapter three hundred and twenty of the acts of the year eighteen hun-

dred and seventy-four shall not be paid, and no allowance shall at any time be paid for transportation not actually employed, nor to mounted officers and enlisted men when transported by means of horses provided by the state. [*See sects.* 95 *and* 127, *chap.* 320, *Acts* 1874.]

SECT. 12. The commander-in-chief may confer the powers of judge-advocate-general or of judge-advocate upon any officer serving with troops, or may order military offences to be tried as provided in the United States service. [*See sect.* 167, *chap.* 320, *Acts* 1874.]

SECT. 13. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SECT. 14. This act shall take effect on the first day of the calendar month next succeeding its passage. [*Approved April* 10, 1877.]

[Chapter 118, Acts of 1877.]

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FOUR OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-SIX, CONCERNING THE MILITIA, BY TEMPORARILY ADDING ONE COMPANY OF INFANTRY.

Be it enacted, &c., as follows:

The commander-in-chief is hereby authorized to grant authority under the petition of Charles F. A. Francis and others, to recruit one company of infantry, and the same shall be mustered into the active militia whenever they shall have been approved for efficiency and character by the commander-in-chief. The number of infantry companies heretofore established may be increased to sixty-one whenever the commander-in-chief shall accept the said company, but the number of companies of infantry shall again be reduced to sixty, whenever any company of infantry shall be disbanded under section six of chapter two hundred and four of the acts of the year eighteen hundred and seventy-six. [*Approved April* 10, 1877. *See sect.* 14, *chap.* 320, *Acts* 1874, *and sect.* 1, *chap.* 204, *Acts* 1876.]

[Chapter 161, Acts of 1877.]

AN ACT TO AMEND SECTION FIFTEEN OF CHAPTER TWO HUNDRED AND FOUR OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-SIX, RELATING TO SALES OF PUBLIC PROPERTY.

Be it enacted, &c., as follows:

SECT. 1. Section fifteen of chapter two hundred and four of the acts of the year eighteen hundred and seventy-six is hereby so far amended as to permit the sums derived from the sale of public

property inspected and condemned under the provisions of said section, and from the sale of grass from the state camp-ground, to be expended under direction of the governor and council for the purchase of other military property or for the grading and drainage of the state camp-ground and the construction of rifle-pits thereat.

SECT. 2. This act shall take effect upon its passage. [*Approved April* 26, 1877.]

[Chapter 171, Acts of 1877.]

AN ACT TO AMEND SECTION EIGHTY-FIVE OF CHAPTER THREE HUNDRED AND TWENTY OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-FOUR, CONCERNING RENT OF ARMORIES.

Be it enacted, &c., as follows:

Section eighty-five of chapter three hundred and twenty of the acts of the year eighteen hundred and seventy-four is hereby so far amended, as to provide that from and after the first day of July next, the amount which may be allowed for the rent of an armory occupied by a company of infantry shall not exceed the rate of four hundred dollars per annum; the amount for the rent of an armory for brigade headquarters shall not exceed the rate of two hundred dollars per annum; and the amount allowed for rent of regimental and battalion headquarters shall not exceed the rate of one hundred dollars per annum. [*Approved April* 28, 1877.]

APPENDIX.

[Chapter 216.]

AN ACT TO AUTHORIZE THE PURCHASE OF LAND FOR A CAMP GROUND FOR THE MILITIA.

Be it enacted, &c., as follows:

SECT. 1. The governor, by and with the advice and consent of the council, may purchase in behalf of the Commonwealth not exceeding two hundred acres of land, at a cost of not more than fifteen thousand dollars, to be held and used as a camp for the military organizations of the state; and may cause the same to be properly graded and fenced, and suitable buildings to be erected thereon, for the storage and safe keeping of military property: *provided*, the cost of buildings, fencing and grading shall not exceed the sum of twenty thousand dollars.

SECT. 2. This act shall take effect upon its passage. [*Approved April* 17, 1872.]

[Chapter 346.]

AN ACT MAKING APPROPRIATIONS TO MEET CERTAIN EXPENDITURES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

SECT. 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury of the Commonwealth, from the ordinary revenue unless otherwise ordered, for the purposes specified in certain acts and resolves of the present year, and for other purposes, to wit: —

In the act, chapter two hundred and sixteen, authorizing the purchase and preparation of a military camp-ground, a sum not exceeding thirty-five thousand dollars.

SECT. 2. This act shall take effect upon its passage. [*Approved May* 6, 1872.]

[Chapter 247.]

AN ACT IN ADDITION TO AN ACT TO AUTHORIZE THE PURCHASE OF LAND FOR A CAMP-GROUND FOR THE MILITIA.

Be it enacted, &c., as follows:

SECT. 1. The governor, by and with the advice and consent of the council, may designate in behalf of the Commonwealth, not exceeding two hundred acres of land, to be held and used for the purposes named in the act to which this is in addition, and if any owner thereof refuses to sell the same, or demands therefor a price deemed by the governor and council unreasonable, the governor and council shall proceed to take and lay out said land for the purpose aforesaid, and to appraise the damages to such owner, in the manner provided for laying out highways, and appraising damages sustained thereby.

SECT. 2. A certificate of such taking, containing a description of the land sufficiently accurate for identification shall be recorded in the registry of deeds in the district in which such lands are situated, and such certificate, so recorded, shall be conclusive evidence of the time of such taking, and the title of the Commonwealth in the lands so taken.

SECT. 3. Any owner of land so taken, feeling aggrieved by the award of damages, may within one year thereafter, petition the superior court for the county in which said lands are situated, and the matter of his damages shall be tried by a jury, and the proceedings shall be conducted in the manner provided in cases of damages by laying out highways. If the damages are increased by the jury, the damages and all charges shall be paid by the Commonwealth; otherwise, the charges arising on such petition shall be paid by the petitioner.

SECT. 4. This act shall take effect upon its passage. [*Approved April* 29, 1873.]

[Chapter 3.]

RESOLVE PROVIDING FOR THE PAYMENT OF CERTAIN EXPENSES INCURRED AT THE MILITIA CAMP-GROUNDS AT FRAMINGHAM.

Resolved, That there be allowed and paid out of the treasury, and the same is hereby appropriated, a sum not exceeding one thousand five hundred and ten dollars and eighty cents, for expenses incurred in grading and draining the militia camp-grounds at Framingham, payments to be made upon vouchers approved by the governor and council. [*Approved Feb.* 14, 1874.]

[Chapter 63.]

RESOLVE RELATIVE TO THE ERECTION OF A DWELLING-HOUSE FOR THE SUPERINTENDENT OF THE STATE ARSENAL AT SOUTH FRAMINGHAM, AND FOR GRADING AND FENCING THE STATE CAMP-GROUND.

Resolved, That a sum not exceeding ten thousand dollars be appropriated to be paid out of the treasury, of which the quartermaster-general is authorized to expend a sum not to exceed six thousand dollars for the erection of a dwelling-house, for the use of the superintendent of the state arsenal at South Framingham, and a sum not exceeding four thousand dollars for grading and fencing the state camp-ground. [*Approved June* 5, 1874.]

[Chapter 406.]

AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS TO MEET CERTAIN EXPENDITURES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

SECT. 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury of the Commonwealth, from the ordinary revenue, except in cases otherwise ordered, for the purposes specified in certain acts and resolves of the present year, and for other purposes, to wit: —

For finishing a building at the state muster-field at Framingham, a sum not exceeding fifteen hundred dollars, the same to be expended under the direction of the governor and council.

SECT. 2. This act shall take effect upon its passage. [*Approved June* 30, 1874.]

[Chapter 102.]

AN ACT RELATIVE TO THE ANNUAL PARADE OF THE VOLUNTEER MILITIA FOR THE PRESENT YEAR.

Be it enacted, &c., as follows:

SECT. 1. The parade of the volunteer militia, required by law to be made on the last Wednesday in May of the present year, may be ordered by the commander-in chief to be made at such other time or times prior to the first day of July next, and at such place or places, and in such manner as he may determine.

SECT. 2. This act shall take effect upon its passage. [*Approved April* 7, 1875.]

[Chapter 75.]

RESOLVE PROVIDING FOR FENCING THE STATE CAMP-GROUND AT SOUTH FRAMINGHAM.

Resolved, That a sum not exceeding four thousand five hundred dollars be allowed and paid, and the same is hereby appropriated, to be expended under the direction of the quartermaster-general, with the approval of the governor and council, for fencing the state camp-ground at South Framingham, the fencing to be erected by contract, and provided that no part of this sum be expended to widen the streets of Framingham. [*Approved May* 19, 1875.]

[Chapter 78.]

RESOLVE CONCERNING PARADES IN PUBLIC WITH ARMS.

Resolved, That students in educational institutions furnished with arms by this Commonwealth, be permitted to drill and parade with arms in public, under the superintendence of their teachers, unless prohibited by the order of the governor, for any length of time. [*Approved May* 19, 1875.]

[Chapter 163.]

AN ACT TO INCORPORATE THE NEW ENGLAND GUARD OF THE CITY OF BOSTON.

Be it enacted, &c., as follows:

SECT. 1. J. Putnam Bradlee, George Tyler Bigelow, Jeffrey Richardson, William F. Smith, John H. Reed, Joseph B. Glover, Joseph Burnett, J. Avery Richards, Robert M. Mason, Charles Storrow, Francis A. Osborn, Shubael G. Rogers, John Revere, Joseph West, Thomas T. Bouvé, John T. Coolidge, George H. Vincent, Curtis Guild, Charles A. Welch, Leverett Saltonstall, Martin P. Kennard, Amos A. Lawrence, Adolphus Davis, Charles S. Jenny, William B. Bacon, James B. Bell, William V. Hutchings, Robert H. Stevenson, George Higginson, Isaac Butts, George D. Russell, Frederick B. Wentworth, F. W. Bigelow, George B. Brown, Benjamin F. Field, Jr., and such other persons as are known as the New England Guard, who formerly served in the said company and in the fourth battalion of infantry in the first division of the Massachusetts volunteer militia, or may hereafter become associated with them, are hereby constituted a body corpo-

rate by the name of the New England Guard of the city of Boston, having the privileges and subject to the duties and liabilities set forth in all general laws which now are or hereafter may be in force relating to corporations.

SECT. 2. The objects of the corporation shall be to afford pecuniary relief to aged, reduced, and indigent members, and to their widows and children, and to promote social union and patriotic fellowship among the members, and to preserve and keep alive the recollections of past services in the New England Guard.

SECT. 3. The said corporation shall have power to adopt a constitution and by-laws, rules and regulations for the admission of members and their government, the election of officers and prescribing their duties, the suspending and expelling of members, and for the safe keeping of its property and funds, and from time to time to alter or repeal such constitution, by-laws, rules and regulations.

SECT. 4. The said corporation shall have power to hold property, real and personal, to an amount not exceeding twenty thousand dollars.

SECT. 5. The members of said corporation may parade in public with side arms.

SECT. 6. This act shall take effect upon its passage.

[*Approved April* 26, 1876.]

[Chapter 53.]

RESOLVE TO PROVIDE FOR REPAIRING THE STATE ARSENAL AT SOUTH FRAMINGHAM.

Resolved, That a sum not exceeding eighteen hundred dollars be allowed and paid, and the same is hereby appropriated, to be expended under the direction of the quartermaster-general, with the approval of the governor and council, for repairing the state arsenal at South Framingham. [*Approved April* 28, 1876.]

[Chapter 55.]

RESOLVE RELATING TO MILITIA ENCAMPMENTS IN THE PRESENT YEAR.

Resolved, That after the re-organization of the militia as provided in an act of the present year entitled "An Act to reduce the expenses and increase the efficiency of the militia," the commander-in-chief may authorize an encampment, at some time during the

present year, of any brigade, regiment, battalion, or corps of cadets, without the limits of the state, such encampment to last five days; and any brigade, regiment, battalion, or corps of cadets, which shall fulfil at such encampment the requirements of law with reference to encampments, to the satisfaction of the commander-in-chief, or of such officer as may be designated by him to report thereon, shall be relieved from the requirements of section ninety-eight of chapter three hundred and twenty of the acts of the year eighteen hundred and seventy-four, with reference to encampments for the present year; and the officers and enlisted men of such brigades, regiments, battalions, or corps of cadets, shall receive the same pay and allowances for service in such encampment as they would be entitled to receive if the encampment were had upon the state grounds in the town of Framingham; and no allowance shall be made for transportation beyond the limits of the state; and no money shall be allowed or paid from the treasury of the state by reason of the passage of this resolve, which would not have been payable if the encampments hereby authorized were had within the limits of the state, in conformity with the provisions of section ninety-eight aforesaid. [*Approved April* 28, 1876.]

[Chapter 8.]

AN ACT TO INCORPORATE THE VETERAN ASSOCIATION OF THE INDEPENDENT CORPS OF CADETS.

Be it enacted, &c., as follows:

SECT. 1. Christopher C. Holmes, Charles R. Codman, John Jeffries, Charles Amory, Oliver W. Peabody, Jerre Abbott, William J. Dale, George P. Sanger, J. Harris Reed, Martin Brimmer, Samuel H. Russell, Francis Brooks, Charles F. Shimmin, Samuel Hammond, Henry L. Pierce, Joseph M. Churchill, Henry W. Williams, William S. Appleton, Arthur J. C. Sowdon, Otis E. Weld, Curtis B. Raymond, William C. Codman, Adin B. Underwood, John D. Parker, Jr., George P. Denny, Edward F. Daland, Lewis W. Tappan, Alpheus H. Hardy, Edward B. Richardson, Gershom C. Winsor, William S. Bond, George H. Quincy, George P. King, Charles E. Fuller, Edward F. Thayer, William B. Bird, William Putnam Kuhn, Horace Binney Sargent, Jr., Samuel C. Oliver, Hasket Derby, Charles E. Inches, Joseph A. Iasigi, being past members of the organization now called the first corps of cadets, Massachusetts volunteer militia, and commissioned officers of the forty-fifth regiment Massachusetts volunteer infantry, and such other persons as are or may hereafter become associated with them,

are hereby constituted a body corporate, by the name of the Veteran Association of the Independent Corps of Cadets, having the privileges and subject to the duties and liabilities set forth in all general laws which now are or hereafter may be in force relating to corporations.

SECT. 2. The objects of this corporation shall be to preserve the traditions and customs of the above named corps; to promote its welfare, and to continue and foster its friendships and associations.

SECT. 3. The said corporation shall have power to adopt a constitution and by-laws, rules and regulations for the admission of members and their government, the election of officers and prescribing their duties, the suspending and expelling of members, and for the safe keeping of its property and funds, and from time to time to alter or repeal such constitution, by-laws, rules and regulations.

SECT. 4. The said corporation shall have power to hold property, real and personal, to an amount not exceeding twenty-five thousand dollars.

SECT. 5. Section one hundred and forty-nine of chapter three hundred and twenty of the acts of the year eighteen hundred and seventy-four is hereby amended by inserting after the word "Newburyport" the words "the veteran association of the independent corps of cadets of Boston."

SECT. 6. This act shall take effect upon its passage. [*Approved Feb.* 13, 1877.]

[Chapter 115.]

AN ACT TO AUTHORIZE THE WEARING OF SIDE-ARMS BY THE VETERAN ARTILLERY ASSOCIATION OF AMESBURY AND SALISBURY.

Be it enacted, &c., as follows:

The Veteran Artillery Association of Amesbury and Salisbury is hereby authorized to parade in public with side-arms. [*Approved April* 6, 1877.]

[Chapter 138.]

AN ACT TO INCORPORATE THE MONTGOMERY GUARD ASSOCIATION OF THE CITY OF BOSTON.

Be it enacted, &c., as follows:

SECT. 1. James J. Flynn, Patrick A. Collins, John E. Fitzgerald, Timothy J. Dacey, John Boyle O'Reilly, Charles F. Donnelly, Thomas J. Gargan, Michael Doherty, Edward B. Rankin, John R.

Farrell, Dennis J. Gorman, Adolphus G. McVey, and Timothy A. Hurley, and such other persons as are known as the Montgomery Guard, or may hereafter become associated with them, are hereby constituted a body corporate, by the name of the Montgomery Guard Association of the city of Boston, having the privileges, and subject to the duties and liabilities set forth in all general laws which now are or hereafter may be in force relating to corporations.

SECT. 2. The objects of this corporation shall be to afford pecuniary relief to aged, reduced, and indigent members, and to their widows and children, to preserve the traditions and customs of the above named corps, to promote its welfare, and to continue and foster its friendships and associations.

SECT. 3. The said corporation shall have power to adopt a constitution and by-laws, rules and regulations for the admission of members and their government, the election of officers and prescribing their duty, the suspending and expelling of members, and for the safe keeping of its property and funds, and from time to time to alter or repeal such constitution, by-laws, rules and regulations.

SECT. 4. The said corporation shall have power to hold property, real and personal, to an amount not exceeding twenty-five thousand dollars.

SECT. 5. The members of said corporation may parade in public with side-arms.

SECT. 6. This act shall take effect on its passage. [*Approved April* 20, 1877.]

[Chapter 241.]

AN ACT IN ADDITION TO "AN ACT MAKING APPROPRIATIONS TO MEET CERTAIN EXPENDITURES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES."

Be it enacted, &c., as follows:

SECT. 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified in certain acts and resolves of the present year, and for other purposes, to wit: —

Any sums of money received under the provisions of chapter one hundred and sixty-one of the acts of the present year shall be paid into the treasury of the Commonwealth; and said sums are hereby appropriated to be used in accordance with the provisions of said act.

SECT. 2. This act shall take effect upon its passage. [*Approved May* 16, 1877.]

[Chapter 31.]

RESOLVE TO PROVIDE FOR THE CONSTRUCTION AND EQUIPMENT OF A MAGAZINE AT THE STATE CAMP-GROUNDS IN THE TOWN OF FRAMINGHAM.

Resolved, That a sum not exceeding one thousand dollars be allowed and paid out of the treasury, and the same is hereby appropriated, to be expended under the direction of the adjutant-general, with the approval of the governor and council, for the construction and equipment of a magazine for the safe-keeping of artillery and small-arm ammunition at the state camp-grounds in the town of Framingham. [*Approved March* 29, 1877.]

[Chapter 55.]

RESOLVE TO PROVIDE FOR THE CONSTRUCTION OF A STOREHOUSE AT THE STATE CAMP-GROUND, AND THE PURCHASE OF TENTS FOR THE USE OF THE MILITIA.

Resolved, That the following sums be allowed and paid out of the treasury, and the same are hereby appropriated, to be expended under the direction of the quartermaster-general, with the approval of the governor and council, to wit: —

For the construction of a building at the state camp-ground for the storage of the property of the militia, a sum not exceeding two thousand dollars.

For the purchase of tents for the use of the militia at the annual encampments, a sum not exceeding four thousand dollars. [*Approved April* 27, 1877.]

[Chapter 58.]

RESOLVE RELATING TO CERTAIN EMPLOYÉS IN THE ADJUTANT-GENERAL'S OFFICE.

Resolved, That from and after the first day of June of the present year the extra clerks in the office of the adjutant-general, other than persons who may be employed under chapter fifteen of the resolves of the year eighteen hundred and seventy-five, shall not exceed four in number, one of whom shall act as messenger at an annual salary not exceeding one thousand dollars. [*Approved April* 28, 1877.]

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